

Bache, S.J. 2001. A primer on take reduction planning under the Marine Mammal Protection Act. *Ocean & Coastal Management* 44(3-4):221-239.

**Abstract:**

The United States' Marine Mammal Protection Act (MMPA) was enacted in 1972 amidst a spate of marine oriented legislation. The MMPA was in large part motivated by public and Congressional concern about the bycatch of dolphins in tuna purse-seining operations. The Act placed a moratorium on the take of marine mammals, and then laid a permit system over the top so as to provide for commercial exemptions from this broad prohibition. This scheme continued unabated for nearly 20 years, through which time the focus remained on the take of dolphins in the Eastern Tropical Pacific Ocean (ETP) yellowfin tuna fishery. By the 1990s, however, dolphin bycatch issues had reduced in importance to many US tunaboat operators. In 1989, the three major US tuna canneries had succumbed to public pressure and announced they would no longer purchase tuna caught by the process used in the ETP of setting on dolphins. Moreover, remaining issues of concern to purse-seine operators, such as that of the emergent dolphin-friendly tuna labeling, had been removed from the body of the MMPA. Coinciding with the demise of tuna-dolphin bycatch as an issue of domestic focus, during the late 1980s and 1990s other marine mammal bycatch issues began to gain in profile. These included harbor porpoise gillnet take and the incidental capture of endangered species of whales in a variety of fisheries. As a result, a major restructuring of the MMPA occurred in 1994 and a revised take reduction planning process was introduced. A participatory management scheme, with decisions of which fisheries and marine mammal species to focus on founded on scientific calculations, was intended to facilitate the reduction of marine mammal bycatch especially in regard to depleted stocks, with the ultimate goal of a zero mortality rate. This paper traces the development and details of the 1994 MMPA amendments. It examines 5 years of take reduction planning and looks at the progress that each of the teams has made. Particular attention will be paid to the success or otherwise of two goals of the revised MMPA scheme. These are: the aim of increased stakeholder participation leading to a reduction in the level of conflict surrounding bycatch mitigation proposals; and the desire for an improved quality and greater quantity of data upon which to base marine mammal/fisheries management decisions.