



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XF685]

Endangered and Threatened Species; Initiation of a Status Review for the Rice's Whale and Request for Information

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of initiation of a status review; request for information.

SUMMARY: We, NMFS, announce the initiation of a status review of the Rice's whale (*Balaenoptera ricei*) under the Endangered Species Act of 1973 (ESA). A status review is a periodic undertaking conducted to ensure that the listing classification of a species is accurate and determine whether the species should be removed from the list (delisted); be changed in status from an endangered species to a threatened species (downlisted); or remain listed. A status review must be based on the best scientific and commercial data available at the time of the review. Therefore, we are requesting submission of any such information on the Rice's whale that has become available since the last status review was conducted in 2016.

DATES: We must receive your information no later than [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: You may submit your information electronically via the Federal eRulemaking Portal. Go to <https://www.regulations.gov> and enter NOAA-NMFS-2026-1222 in the Search box. Click on the "Comment" icon, complete the required fields, and enter or attach your comments.

Instructions: Information sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by

NMFS. All information received is part of the public record and will generally be posted for public viewing on <http://www.regulations.gov> without change. All personal identifying information (*e.g.*, name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. We will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

The 2016 status review and previous rulemaking documents related to the listing of the species can be obtained electronically on our website at:

<https://www.fisheries.noaa.gov/species/rices-whale#conservation-management>.

FOR FURTHER INFORMATION CONTACT: Clay George, NMFS Southeast Region, (912) 766-0087.

SUPPLEMENTARY INFORMATION: This notice announces our initiation of a status review of the Rice’s whale under section 4(b)(1)(A) of the ESA (16 U.S.C. 1533(b)(1)(A)). Section 4(c)(1) requires the maintenance of a list of endangered and threatened wildlife and plant species (16 U.S.C. 1533(c)(1)). And under section 4(c)(2), the Secretary shall conduct, at least once every five years, a review of a listed species and consider, among other things, whether a species’ listing status should be changed (16 U.S.C. 1533(c)(2)). Based upon this status review process, the Secretary determines whether any such species should be removed from the list (delisted); changed in status from an endangered species to a threatened species (downlisted); or changed in status from a threatened species to an endangered species (uplisted). Each determination must be made in accordance with the requirements and standards provided in section 4(a) and (b) of the ESA. Specifically, section 4(a)(1) requires us to determine whether any species is an endangered or threatened species because of any one of the following factors: (1) the present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3)

disease or predation; (4) the inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence (16 U.S.C. 1533(a)(1)(A)–(E)). Section 4(b)(1)(A) of the ESA requires us to make this determination based solely on the best scientific and commercial data available at the time of the review and after taking into account efforts to protect the species (16 U.S.C. 1533(b)(1)(A)).

Moreover, pursuant to implementing regulations at 50 CFR 424.11(c), a species shall be reclassified if we determine, on the basis of the best scientific and commercial data available after conducting a status review, that the species meets the definition of an endangered species or a threatened species because of any one or a combination of the five factors set forth above. And under 50 CFR 424.11(e), a species shall be delisted if we determine, after conducting a status review based on the best scientific and commercial data available, and according to the above factors and standards, that: (1) the species is extinct; (2) the species has recovered to the point at which it no longer meets the definition of an endangered species or a threatened species; (3) new information that has become available since the original listing decision shows the listed entity does not meet the definition of an endangered species or a threatened species; or (4) new information that has become available since the original listing decision shows the listed entity does not meet the definition of a species.

The regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. Accordingly, this notice announces a review of the Rice's whale, which is currently listed as an endangered species. After reviewing all information, we will publish our final determination on the NMFS website: <https://www.fisheries.noaa.gov/species/rices-whale#conservation-management>. Any recommended change (*i.e.*, delisting or reclassification) would require a separate rulemaking process.

Background

Rice's whale was initially listed in 2019 under the ESA as an endangered subspecies of the Bryde's whale, *Balaenoptera edeni* (Gulf of America subspecies (referred to as the Gulf of Mexico subspecies in 84 FR 15446, April 15, 2019)). The listing was finalized after completing a status review (Rosel *et al.*, 2016) in response to a petition from the Natural Resources Defense Council, and after considering the best scientific and commercial data available, including the 2016 status review and comments received on the proposed listing rule (81 FR 88639, December 8, 2016). The subspecies was listed as endangered due to its small population size and restricted range (the Gulf of America), and exposure to numerous threats. In 2021, the Society for Marine Mammalogy reclassified these whales as a species and renamed them "Rice's whale" to reflect new evidence described in Rosel *et al.* (2021). On August 23, 2021, NMFS published a final rule that revised the ESA listing to "Rice's whale" to reflect the change in the scientifically accepted taxonomy and nomenclature (86 FR 47022, August 23, 2021). The ESA defines the term "species" to include any subspecies and any distinct population segment of any species. (16 U.S.C. 1532(16)). Therefore, the taxonomic reclassification from a subspecies to species had no effect on the whales' endangered status under the ESA.

Public Solicitation of New Information

To ensure that the status review is based on the best scientific and commercial data available, we are soliciting new information from the public, relevant governmental agencies, tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the status of Rice's whale.

Categories of requested information include: (1) species biology including, but not limited to, population trends, distribution, abundance, demographics, and genetics; (2) habitat conditions including, but not limited to, amount, distribution, and suitability; (3) conservation measures that have been implemented that benefit the species; (4) status

and trends of threats; and (5) other new data regarding Rice's whales that have become available since December 2016.

If you wish to provide your information for this status review, please submit it as described in the **ADDRESSES** section above. We request that all information be accompanied by: (1) supporting documentation such as maps, bibliographic references, or reprints of pertinent publications; and (2) the submitter's name, address, and any association, institution, or business that the person represents. While we accept new information about any listed species at any time, information received after the date stated above may not be considered for the purposes of this review.

(Authority: 16 U.S.C. 1531 *et seq.*)

Dated: April 30, 2026.

Samuel D. Rauch, III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

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