

(a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

5. By adding new § 721.637 to subpart E to read as follows:

§ 721.637 Hydrochloride salt of a mixed fatty amidoamide (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as a hydrochloride salt of a mixed fatty amidoamide (PMN P-96-1588) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

6. By adding new § 721.658 to subpart E to read as follows:

§ 721.658 Alkyl substituted quaternary ammonium chloride (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substances identified generically as alkyl substituted quaternary ammonium chloride (PMNs P-97-57/58/59/60/61) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(1) and (b)(1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

7. By adding new § 721.2082 to subpart E to read as follows:

§ 721.2082 Derivative of substituted carbomonocyclic acid-amine distillation stream byproduct reaction product (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as a derivative of substituted carbomonocyclic acid-amine distillation stream byproduct reaction product (PMN P-96-866) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

8. By adding new § 721.5725 to subpart E to read as follows:

§ 721.5725 Phenol, 2,4-dimethyl-6-(1-methylpentadecyl)-.

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified as phenol, 2,4-dimethyl-6-(1-methylpentadecyl)- (PMN P-94-209; CAS No. 134701-20-5) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* Requirements as specified in § 721.63 (a)(2)(i) and (a)(3).

(ii) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), (d), (e), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

9. By adding new § 721.6197 to subpart E to read as follows:

§ 721.6197 Salt of a substituted polyalkylenepolyamine (generic).

(a) *Chemical substance and significant new uses subject to reporting.*

(1) The chemical substance identified generically as a salt of a substituted polyalkylenepolyamine (PMN P-96-585) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Release to water.* Requirements as specified in § 721.90 (a)(1), (b)(1), and (c)(1).

(ii) [Reserved]

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* Recordkeeping requirements as specified in § 721.125 (a), (b), (c), and (k) are applicable to manufacturers, importers, and processors of this substance.

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

[FR Doc. 98-24036 Filed 9-8-98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To List the Henslow's Sparrow as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the Henslow's sparrow (*Ammodramus henslowii*) in the contiguous United States under the Endangered Species Act of 1973, as amended (Act). The Service finds that the petition does not present substantial information indicating that listing this species as threatened may be warranted.

DATES: The finding announced in this document was made on August 22, 1998.

ADDRESSES: Questions, comments, or information concerning this petition should be sent to the Acting Field

Supervisor, Ecological Services Field Office, U.S. Fish and Wildlife Service, 620 S. Walker Street, Bloomington, Indiana 47403-2121. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Pruitt, see **ADDRESSES** section or telephone 812-334-4261.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Act requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at the time the finding is made. To the maximum extent practicable, the finding shall be made within 90 days following receipt of the petition and promptly published in the **Federal Register**. Following a positive finding, section 4(b)(3)(B) of the Act requires the Service to promptly commence a status review of the species.

The Service has made a 90-day finding on a petition to list the Henslow's sparrow (*Ammodramus henslowii*). The petition, dated March 31, 1998, was submitted by Mr. D.C. Carlton, Director of the Biodiversity Legal Foundation, Boulder, Colorado, and was received on April 6, 1998. The petition requested that the Service list the Henslow's sparrow as threatened where it continues to exist in the contiguous United States and to designate critical habitat.

The petition states that the Henslow's sparrow has experienced a steep and continuing downward population trend across its broad range. The petition maintains that this trend will continue due to ongoing loss of the tallgrass prairie habitat needed by the sparrow. It points to studies estimating rangewide native prairie loss as high as 99.9 percent, as well as the loss of "substitute prairie of pasture and hayfields" in some parts of the sparrow's range. In addition to habitat loss and fragmentation, human disturbance, predation, and nest parasitism, the petition also identifies cats, pesticide hazards, and collisions with manmade structures as significant mortality factors for birds, in general, and which may be problems for the Henslow's sparrow, as well.

The Service recently completed an exhaustive review of the literature and unpublished data on the species and

summarized the results in a 1996 status assessment report (Pruitt 1996). That report evaluated the information available at that time across the entire range of the species. The data compiled in that report led the Service to conclude in 1997 that elevating the Henslow's sparrow to candidate status was not justified (U.S. Fish and Wildlife Service 1997). Thus, the review of this petition was primarily an evaluation of whether new information, or other information not reviewed by the Service in the 1996 status assessment, should cause the Service to reverse its 1997 determination that there was insufficient information to justify proposing the species for threatened or endangered status.

A careful review has shown that the petition does not cite, reference, or provide status, trend, or threat data that indicate any further deterioration in the status of the Henslow's sparrow since completion of the Service's 1996 status assessment of the Henslow's sparrow (Pruitt 1996). While the petition provides detailed discussion on the disappearance of the tallgrass prairie and on the biology and habitat needs of the species, the petition provides little data that support its contention that the steep decline of Henslow's sparrow is continuing and that the species has declined to the threshold of threatened status (likely to become an endangered species throughout all or a significant portion of its range).

In contrast, the Service's review of available recent data in addition to those supplied with the petition indicates that the decline may have stopped, and may even be reversing, at several important areas across a significant portion of the species' range. Hints of this possible change in population trend in some areas were detected during the 1996 status assessment and were partially responsible for the Service's 1997 decision (U.S. Fish and Wildlife Service 1997). From a range-wide perspective, these data indicate that the status of the Henslow's sparrow may have stabilized, and possibly may have improved, since completion of the 1996 status assessment. However, these data are primarily from short-term studies or are difficult to interpret with confidence for other reasons (e.g., normal annual variation in population numbers; changes in observation intensity; insufficient data on reproduction; uncertain future status of newly-colonized habitat). Thus, any conclusions drawn from them must be considered to be preliminary.

The most important site-specific examples of these recent data are described as follows:

Jefferson Proving Grounds (JPG), Indiana. As reported by Pruitt (1996), the population in 1995 was estimated conservatively at 400 singing males; subsequent analysis of the data resulted in an estimate of 611 singing males (Miller, Pruitt, and Pruitt 1997). Estimates for 1996 and 1997 were 970 and 683 singing males, respectively (Miller, Pruitt, and Pruitt 1997).

Fort Riley Military Reservation, Kansas. The Henslow's sparrow population in 1994 was estimated at 2,000 singing males. Jeff Keating (Ft. Riley, pers. comm. 1998) estimated that over 3,000 singing males were present on the installation in 1997.

Southwestern Missouri. As reported by Pruitt (1996), the population of Henslow's sparrow on southwestern Missouri prairies was estimated at 5,000-6,000 pairs during the period 1992-95; the status of this population appears to be stable. Maiken Winter (University of Missouri, pers. comm. 1998) conducted research on Henslow's sparrow in these prairies from 1995-97. The prairies remain a stronghold for the species; it is the most abundant breeding bird in some of the prairies evaluated.

Tallgrass Prairie Preserve, Oklahoma. The status of the Henslow's sparrow at The Nature Conservancy's Tallgrass Prairie Preserve, estimated at approximately 3,000 singing males, has not changed. It has been documented that the species is colonizing suitable habitat outside the preserve. During roadside point counts in surrounding northeastern Oklahoma counties in 1996, Henslow's sparrows were documented at 28 sites in 6 counties (Reinking 1997).

Reclaimed Mine Land, Indiana. Bajema *et al.* (1998) found a substantial, previously unknown, population of Henslow's sparrow in 1997 on reclaimed mine lands in southwestern Indiana and estimated the population at over 1,600 singing males.

Reclaimed Mine Land, Ohio. Koford (1997) reported that 444 singing male Henslow's sparrows were found in 12 counties in southeastern Ohio during 1997. These birds were found primarily on reclaimed strip mines.

From state-by-state perspectives, since the conclusion of Pruitt's (1996) status assessment Henslow's sparrow populations appear to have increased at some locations in as many as 10 states. In addition to the large populations described above, the following improvements have been noted.

Illinois. James Herkert (Illinois Endangered Species Protection Board, pers. comm. 1998) noted that both 1996 and 1997 were good years for the Henslow's sparrow in Illinois. Illinois Spring Bird Count trend analysis suggests that Henslow's sparrow populations have been generally increasing in the state for the past 4–5 years. The data also reflect a population surge in southern Illinois, primarily on land enrolled in the Conservation Reserve Program (CRP) (Herkert 1998). These areas had few, if any, Henslow's sparrows just a few years ago.

Indiana. In addition to the population at JPG and on reclaimed mine lands in Indiana, Koford (1997) reported that over 100 singing males were detected on Atterbury State Fish and Wildlife Area and the adjacent Atterbury Reserve Forces Training Area. The status of this population was unknown when the 1996 status assessment (Pruitt 1996) was completed. Henslow's sparrows are also colonizing CRP fields in southern Indiana, but the extent of use has not been documented (Jeff Kiefer, USFWS, pers. comm. 1998).

Kentucky. Habitat is actively managed for Henslow's sparrow at the Fort Knox Military Reserve. A 3-year rotational burning scheme was initiated in 1995. Approximately 12 singing males were heard in managed areas during the 1997 breeding season. There is also a breeding population of Henslow's sparrow on the West Kentucky Army National Guard Training Site; this population appears to be expanding (Sunni Lawless, Kentucky Department of Fish and Wildlife Resources, pers. comm. 1998).

Michigan. The species appears to be colonizing some CRP lands in Michigan, but this has not been quantitatively assessed (Thomas Weise, Michigan Department of Natural Resources, pers. comm. 1998).

Missouri. James D. Wilson (Missouri Department of Conservation, pers. comm. 1998) noted that the number of sites on which Henslow's sparrows were reported on Breeding Bird Surveys and other surveys increased over the past 5 years. Most new sites were associated with CRP land in northern Missouri.

New York. Currently, the largest concentration of breeding Henslow's sparrow in New York is a recently discovered population at Fort Drum. The number of birds at the site is estimated at 50 pairs (Steven Joule, Fort Drum, pers. comm. 1998). Smith and Smith (1992) found Henslow's sparrow in 5 of 33 pastures surveyed in the Finger Lakes National Forest during 1989. Charles Smith (Cornell University, pers. comm. 1998) resurveyed these

pastures in 1997 and counted 30 territorial male Henslow's sparrows in one pasture that had supported 5–7 territorial males the previous summer. In contrast, Mazur and Underwood (1995) reported that Saratoga National Historic Park supported 11–15 territorial males in 1995; Jeff Wells (National Audubon Society, pers. comm. 1998) noted that no Henslow's sparrows were found at the Park in 1997.

North Carolina. Wright (1997) reported on the status of Henslow's sparrows at the Voice of America site in North Carolina. The site has been surveyed since 1994; 100–200 singing males have been counted annually. In 1998, 198 singing males were found (John Wright, pers. comm. 1998).

Pennsylvania. The State of Pennsylvania has indicated that there are hundreds of breeding pairs of Henslow's sparrow in numerous counties throughout the State, thus the species has no State status. When information was solicited for the status assessment in 1995, the species was considered a Special Concern species (Daniel Brauning, Pennsylvania Game Commission, pers. comm. 1995).

Wisconsin. Buena Vista Prairie Chicken Management Area (Portage County), reported to support 15–40 pairs in recent years, had a larger population, potentially in excess of 100 pairs, in 1997 (D. Sample, pers. comm. 1995); additional monitoring is needed to document the size of this population.

Research is ongoing on three large wintering populations of Henslow's sparrows in Mississippi, Louisiana, and Florida; these study areas represent the largest known winter concentrations of Henslow's sparrow. Data collection and/or analyses for these studies are ongoing. These efforts are expected to further increase our understanding of the needs of, and threats to, the species.

Finally, although the petition identified predation by cats, hazards from pesticide usage, and collisions with manmade structures as significant mortality factors for birds, in general, the petitioner neither provided, nor referenced, any data that indicated these factors are significant threats to the Henslow's sparrow. Furthermore, the additional recent data obtained by the Service from Henslow's sparrow researchers did not identify these as significant past, present, or anticipated future threats to the species.

Contrary to the petition's statement that the Henslow's sparrow "was left in a protectionless limbo" by the Service's elimination of the category 2 candidate species list in early 1996 (a list that provided no legal protection to the species which appeared on it), the

species retains Federal protection under the Migratory Bird Treaty Act, remains on the Service's list of Nongame Migratory Bird Species of Management Concern, and is the subject of numerous research efforts and conservation actions across its range. Information reviewed by the Service during the processing of this petition indicate that the level of concern generated by these designations has been sufficient to generate heightened research and management interest in the Henslow's sparrow. The Service will continue to promote these efforts to improve the biological status of the Henslow's sparrow. The Service will also encourage the continuation of monitoring activities at all sites which recently have shown signs of increased species' numbers and range; such studies are necessary to determine if the recent improvement in status will be sustained.

The Service has reviewed the petition, the literature cited in the petition, the relevant references in the bibliography that accompanied the petition, and additional information from biologists and researchers familiar with this species. The Service also solicited comments and data from States and Tribes within the area included in the petition and reviewed the information received from those sources. On the basis of the best scientific and commercial data available, the Service finds that the petition does not present substantial information that listing the Henslow's sparrow may be warranted.

References Cited

A complete list of all references cited herein is available upon request from the Bloomington Field Office (see ADDRESSES section).

Author: The primary author of this document is Ronald L. Refsnider of the Service's Regional Office (U.S. Fish and Wildlife Service, Division of Endangered Species, Bishop Henry Whipple Federal Building, 1 Federal Drive, Ft. Snelling, Minnesota 55111–4056; 612–713–5346).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: August 22, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 98–24122 Filed 9–8–98; 8:45 am]

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