

FIVE BAR S RANCH AND VINEYARD, INC.  
32400 Pine Mountain Rd.  
Cloverdale, California 95425

January 16, 1985

Mr. Jim Whitley  
Regulations and Procedures Division  
Bureau of Alcohol, Tobacco, and Firearms  
1200 Pennsylvania Ave., NW  
Washington, D.C. 20226

Dear Mr. Whitley:

I am enclosing a formal petition to expand the Northeastern boundry of the recently formulated Sonoma County California Alexander Valley Viticultural area to include our ranch, the Five Bar S Ranch and Vineyard, Inc., which is known locally as the Harold Smith Ranch.

We feel that after reading the requirements for being included in a viticultural area in ATF-53 that our property belongs within the Alexander Valley Appellation.

You may recall having related discussions over the telephone with my son-in-law, Charles F. Reichel, and the geographer who helped us formulate this petition, Dr. William K. Crowley. Please consider Dr. Crowley our contact person for questions you have when you are working on this petition. His telephone number is [REDACTED] during the day, or [REDACTED] in the evening. Any formal written notices should be address to my Daughter, Corinne J. Reichel, who is the treasurer of our family corporation. Her address is [REDACTED], Healdsburg, CA 95448. Please send copies of anything you send to Corinne, to Dr. Crowley at [REDACTED], Santa Rosa, CA 95405.

I would like to thank you for any consideration you may give this petition, as it is a very important matter to us.

Sincerely,

[REDACTED]  
Harold L. Smith  
Vice President

cc: Dr. William K. Crowley

PETITION TO AMEND THE BOUNDARIES OF THE  
ALEXANDER VALLEY VITICULTURAL AREA

Evidence that the Area is Known by the Proposed Name

ATF already has recognized that the Alexander Valley does exist and you have received considerable documentation to that effect. We see no need to laboriously repeat the same evidence submitted in the petitions to establish Alexander Valley.

Rather, the question in this petition is whether the additional area we are requesting for inclusion in the Alexander Valley Viticultural Area is actually known as the Alexander Valley.

The area that we are seeking to add to the Alexander Valley Viticultural Area is contiguous with the present boundary along the northernmost reach of its eastern side. The area encompasses roughly 1500 acres (as described under Option 1 of the boundary description, slightly less under Option 2) in Sections 33, 34, and 35 of Township 12 N., Range 10 W. on the Asti 7.5 minute U. S. G. S. Quadrangle. The area lies within the Mayacamas Mountains (as does nearly all of the eastern portion of the entire Alexander Valley appellation) that form the eastern side of Alexander Valley. Elevations within the petitioned parcel range from 1400 - 2800 feet. Clearly, the petitioned area is not part of the valley floor, but neither is a considerable part of the appellation as presently defined.

ATF, itself, has as much as recognized the area as part of the Alexander Valley in the text of T.D. ATF-187 that established the Alexander Valley Viticultural Area. In arguing for inclusion of the northern part of the valley as part of the viti-

cultural area, ATF cited evidence from post-hearing comment 11 that Harold Smith's Vineyard was part of the area it was approving (Federal Register, V. 49, No. 207, p. 42721, column three). Unfortunately, however, ATF omitted this vineyard from the viticultural area when it set the final limits for the appellation. The area that this petition seeks to add to the Alexander Valley Viticultural Area is essentially the Harold Smith property (Exhibit B), and the floor of the Alexander Valley is easily visible from the vineyards thereon.

Historical or Current Evidence that the Proposed Amended Boundaries Are Correct

The abundant discussion generated in the original attempt to establish the boundaries of Alexander Valley demonstrated that precise limits for the valley were rarely set on paper. As ATF noted in making T.D. ATF-187, however, it is clear that whatever those boundaries may have been, they have obviously expanded over time. Evidence that the petitioned area is known as the Alexander Valley is essentially the same evidence cited in the previous section of this petition on name recognition: the information cited in T.D. ATF-187 on p. 42721 of the Federal Register of October 24, 1984.

Evidence that the Area is Geographically Distinctive

In its T.D. announcing the limits of the Alexander Valley, ATF noted that it had a certain amount of difficulty in deciding how much of the mountains surrounding the valley floor ought to be included within the viticultural area. On p. 42723 of the Federal Register of October 25, 1984 the ATF states, with respect to the mountains that rise above the valley floor, "The U. S. G. S. 7.5 minute topographic maps do not depict any

vineyards in the mountainous areas." This statement suggests that lack of vineyards was a criterion for exclusion of certain areas from within the boundaries of the viticultural area. The topographic map cited in the T.D. decision was based on 1959 data. The map was highly inaccurate for showing vineyards in the Alexander Valley in the 1980s since, by far, the majority of those vineyards were planted after 1970, long after the map was printed. One vineyard on the Harold Smith property was planted in 1974. Four other vineyard sites are now being developed and will be planted in early Spring 1985. (The sites have been cleared and ripped, a well has been drilled, fencing is in progress, the budwood is in cold storage and the rootstocks have been contracted for.) If presence of vineyards was a criterion that ATF utilized in its final adjustment of the boundary line, the petitioned area should have been included.

The approved boundaries that mark the eastern limits of the northern part of the Alexander Valley Viticultural Area are not really based on either physical geography or topography. They are simply straight lines that attempt to incorporate all the vineyard sites in the area and leave out excessive mountainous terrain, a reasonable approach to the problem of where to draw the line. One part of the boundary, eg., connects two peaks of 1070 feet and 1301 feet. Along the boundary several ridge lines and small stream divides are crossed as well as greatly varying elevations; at one point the boundary crosses even higher land than the higher of the two connected peaks. All this is not said in criticism of the boundary, but rather to demonstrate its very general nature--it represents no hard topographic, geologic,

lithologic nor climatic divisions. As a result, we feel that the petitioned area belongs within the appellation boundary on the basis of its topographic, geologic, lithologic and climatic brotherhood with adjacent areas inside the appellation. In the following argument, we make particular reference to the affinities between the area in R. 12 N., T. 10 W, Section 32 (and a piece of Section 33), which lies within the boundary, and the area we are asking be added to the appellation (Exhibit A).

The terrain is of the same general nature in the petitioned parcel as in the adjacent area within the viticultural area boundary. Slopes are generally steep, with occasional breaks appropriate for vineyard plantings. Elevations within the approved area reach above 2000 feet in Section 32. Two vineyards lie just within the boundary in Section 32, at elevations of 1600-1900 feet. In the petitioned area, although elevations reach as high as 2800 feet, the highest vineyard under development (Exhibit B) sits between 2300 and 2400 feet, with the others sited at elevations between 1600 and 1900 feet, equivalent to the vineyards within the appellation boundary in Section 32.

The dominant geologic constituent in the petitioned area is the Franciscan Formation, the same formation which dominates nearly the entire area surrounding the Alexander Valley floor (Exhibit C). The soils of the vineyard sites are all Los Gatos loam, though one of the vineyards is also being planted on Laughlin loam (Exhibit D). The northern and larger of the Section 32 vineyards is planted on Los Gatos loam, while the southern one is planted on Suther-Laughlin loams. The Los Gatos loams are part of the Los Gatos-Henneke-Maymen Association which is widespread in the highland portions of the northeastern part of the Alexander Valley Viticultural Area. Lithologically,

the petitioned area easily fits with the adjacent approved area of Section 32.

In mountainous terrain such as that which marks the eastern portion of the Alexander Valley Viticultural Area climate can change markedly from one slope to the next. Without recording devices in the vineyards themselves, it is impossible to provide precise statements about the climatic character of the area. This statement holds true for the petitioned area as well as the mountainous portions included within the approved viticultural area. The petitioned area is not significantly different climatically, however, from the area in Section 32. The generally similar elevations and the character of the topography argue for like conditions for growing winegrapes. Both areas obviously vary somewhat from conditions on the valley floor because of their higher elevations. However, if ATF found no problem in seeing Section 32 as climatically uniform enough with the valley floor to be part of the same viticultural area, then it should likewise find no problem, climatically, with incorporating the petitioned area into the Alexander Valley. No climatic distinction occurs along the northeasternmost part of the approved boundary. The climate--temperature regime, rainfall, and frost-free season--is the same on either side of the boundary, with probable microclimatic variations wherever the slope presents a different aspect (exposure).

#### Discussion

We understand ATF's concern to maintain relative uniformity within the Alexander Valley appellation. We agree with the arguments in T.D. ATF-187 that peripheral mountainous terrain

that lacks vineyards should be omitted from the viticultural area. The area we seek to add to the appellation does have one producing vineyard and four others that soon will be. It is not simply excess territory.

We also understand that ATF may be somewhat concerned that some of the elevations with the proposed parcel exceed those within the present boundaries. We would point out again, however, that elevations above 2000 feet already sit within the approved limits. We would also note once more that the producing vineyard, and three of the four vineyards being developed, occupy sites with the same elevations (1600-1900 feet) as vineyards within the approved boundaries.

We believe previous ATF decisions also support our proposal. Other approved viticultural areas with valley floors and adjacent mountainsides enclose tracts of equal or greater elevational differences than the Alexander Valley would contain if the proposed parcel became part of the appellation. The eastern portions of Sonoma Valley reach nearly 2700 feet at Mount Veeder, while neighboring Napa Valley embraces several areas above 2500 feet along its western border, and actually climbs to over 4000 feet in the northwestern segment of its territory. These elevations sit high above the near sea level stretches at the southern ends of the valley floors. Alexander Valley's viticultural area neighbor to the north, Mendocino, has some lands above 3000 feet, and others below 400 feet. Even greater relief appears in the North Coast Viticultural Area where Mount Sanhedrin, at 6175 feet, shares territory with sea level stretches along the Mendocino and Sonoma County coasts. Given these precedents, and the historical

and geographical attributes of the parcel we are petitioning for, we believe the Alexander Valley boundary should be amended to include the proposed area. A roughly parallel instance of ATF action occurred in the Green Valley-Sonoma decision where, prior to ATF setting the final boundary, two commenters requested that the southern boundary be extended to include their lands. When microclimatic studies indicated that the area was climatically similar to the rest of the Green Valley, ATF agreed to include the parcels. We believe microclimatic studies would provide equal support for similarity between our proposed tract and the adjacent areas of Section 32. Unfortunately, such studies do not exist.

Finally, we request that ATF take cognizance of the location of the proposed addition in the general sense (Exhibit E). The area proposed is not only contiguous with already approved lands, but is also less than three miles from the valley floor. The great mass of the Mayacamas Mountains lies to the east, with the Lake County boundary over twelve miles away (as the crow flies). We feel our location clearly associates us with the Alexander Valley and that we are part of that appellation. To our immediate north is the Mendocino County boundary and another viticultural area, Mendocino.

#### The Proposed Boundary

We are proposing two alternative boundary schemes for the amended territory, either of which we believe meets ATF requirements. The first is based to a greater degree on geographical considerations, as ATF-53 requires; the second is based more on practical considerations--lines easily located on the topographic



map. Both alternatives use the Mendocino County-Sonoma County boundary as the northern limit, and Pine Mountain Road and part of a section line as the southern limit. The difference resides principally with the eastern demarcation.

Alternative 1

This alternative uses the watershed boundary between two of the major tributaries of Big Sulphur Creek, Cascade-Frasier Creek to the east, and an unnamed perennial stream to the west as the eastern boundary of the amended area.

Alternative 2

This alternative uses the section line separating T. 12 N., R. 10 W., Section 34 from T. 12 N., R. 10 W., Section 35 as the eastern edge.

Description of the Boundaries

The boundaries for the proposed area to be added to the Alexander Valley as defined in T.D. ATF-187 are found on the U. S. G. S. 7.5 minute Asti, California Quadrangle (Exhibit A).

Alternative 1

The point of beginning is the extreme northeastern limit of the Alexander Valley as defined in T.D. ATF-187, located in T. 12 N., R. 10 W. at the point where the section line dividing sections 32 and 33 of that township joins the Mendocino County-Sonoma County line. From the point of beginning the boundary runs:

1. Eastward 11,300 feet along the Sonoma County-Mendocino County line to the drainage divide (halfway between the two points where the 2600 foot contour intersects the county line in Section 35) between Cascade Creek-Frasier Creek and an

unnamed perennial stream that flows southward nearly adjacent to the section line between Sections 34 and 35:

2. Then generally southward along this watershed boundary to the section line between T. 12 N., R. 10 W., Section 35 and T. 11 N., R. 10 W., Section 2, 1500 feet east of the southeast corner of Section 35:

3. Then westward 3300 feet along the southern limits of Sections 35 and 34 to Pine Mountain Road:

4. Then generally westward along Pine Mountain Road to the eastern boundary of the Alexander Valley Viticultural Area in T. 11 N., R. 10 W., Section 4, as defined in T.D. ATF-187.

The western boundary of the petitioned area, is obviously, the existing eastern boundary of the Alexander Valley Viticultural area.

Alternative 2

The point of beginning is the extreme northeastern limit of the Alexander Valley as defined in T.D. ATF-187, located in T. 12 N., R. 10 W. at the point where the section line dividing sections 23 and 33 of that township joins the Mendocino County-Sonoma County line. From the point of beginning the boundary runs:

1. Eastward along the Sonoma-Mendocino County boundary to the northeastern corner of Section 34:

2. Then south along the eastern boundary of Section 34:

3. Then westward 1850 feet along the southern boundary of Section 34 to Pine Mountain Road:

4. Then generally westward along Pine Mountain Road to the eastern boundary of the Alexander Valley Viticultural area in

T. 11 N., R. 10 W., Section 4, as defined in T.D. ATF-187.

The western boundary of the petitioned area is, obviously, the existing boundary of the Alexander Valley Viticultural Area.

*Mirassou*

(11)  
EXHIBIT G

January 13, 1983

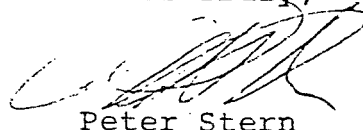
Mr. James Whitley, Director  
BATF  
Federal Building  
1200 Pennsylvania Ave.  
Washington D.C. 20226

Dear Mr. Whitley,

I understand that there will be two proposals presented in the upcoming hearings regarding the establishment of an Alexander Valley appellation. Apparently, one of these proposals includes the Cloverdale area and the other does not. It is our understanding that the geological and watershed considerations, which are part of the appellation proposal, would not justify the elimination of the Cloverdale area. This is quite important as far as Mirassou Winery is concerned. In 1982 Mirassou purchased Cabernet Sauvignon grapes from a number of vineyards in Alexander Valley, with the specific objective of producing an Alexander Valley appellation Cabernet Sauvignon. One of these vineyards, 5 Bar S, is located in the hills east of Cloverdale and, up to this point, was thought to be included in this appellation area. Any change in the appellation status of this vineyard would cause a hardship for Mirassou and, no doubt, for this vineyard as well. Consequently, I wish to register a strong vote in support of the proposal which includes Cloverdale and the 5 Bar S vineyard.

Thank you for your consideration.

Yours Truly,



Peter Stern

PS/jg

[REDACTED] (w)  
Corinne J. Reichel

[REDACTED]  
Healdsburg, CA 95448

[REDACTED] (H)  
December 6, 1985

Mr. Michael Breen  
Department of the Treasury  
Bureau of Alcohol, Tobacco, & Firearms  
Washington, DC 20226

RE: Petition to add property to  
Alexander Valley appellation

Dear Mr. Breen;

Thank you again for your call this morning. Yes, it would seem very logical that as the northeast portion of the Alexander Valley boundary is realigned, that the northeast boundary of the Northern Sonoma County appellation also be realigned to the same position.

This change would certainly simplify matters for now and in the future as to the boundaries of these two overlapping viticultural areas in northeast Sonoma County.

Thus, please consider this letter our request to amend our petition, which you now have in hand, to realign the boundary of the Northern Sonoma County appellation to coincide with our proposed Alexander Valley boundary.

Our main concern, of course, is to be included within the Alexander Valley appellation.

If ever you are on the coast, we would enjoy taking you on a tour of our part of Alexander Valley.

Sincerely,

[REDACTED]  
Corinne J. Reichel

cc: Dr. William K. Crowley

November 26, 1985

Mr. Michael Breen  
Department of the Treasury  
Bureau of Alcohol, Tobacco, & Firearms  
Washington, DC 20226

RE: Petition to add property to  
Alexander Valley Appellation

Dear Mr. Breen;

Thank you for your call this morning. I enjoyed speaking with you.

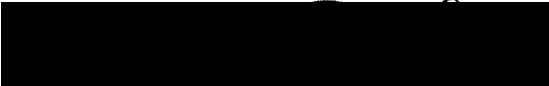
The number of acres by individual vineyard are as follows:

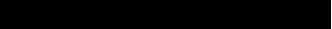
<u>Vineyard</u>	<u>Acres</u>
#1	13
#2	8
#3	11
#4	3
#5	22.5
	<u>57.5</u>

I trust this is the information you need. Also, per our telephone conversation we are informed that your proposal for changing the Alexander Valley boundaries would include slightly more area than either of our proposals and that all our vineyards are included.

Your call came at a good time as I am generally home at that hour. If there is any further information which I can provide, please do not hesitate to call.

Sincerely,

  
Corinne J. Reichel

  
Healdsburg, CA 95448

cc: Dr. William K. Crowley

[REDACTED]  
Santa Rosa, CA 95405  
November 18, 1985

Mr. Michael J. Breen  
Department of the Treasury  
Bureau of Alcohol, Tobacco and Firearms  
Washington, D. C. 20226

Dear Mr. Breen:

Thank you for your studied response to the petition I prepared for the Five Bar S Ranch (Harold Smith Ranch), which seeks to be added to the Alexander Valley Viticultural Area. I am sorry to take so long in replying to you, but the vineyards are now all planted and I believe we have gathered together all the material available that you requested in your May 7 letter to Corinne Reichel and in your May 21 letter to me (both letters were signed by Mr. Rich Mascolo). Please note that I have identified the exhibits herein beginning with "F" to follow exhibits "A" through "E" that accompanied the original petition.

Sincerely yours,

[REDACTED]  
William K. Crowley

1. I have traced the ridge line (as I see it) on the Asti Quad (Exhibit F) from the 1301 foot peak in Section 4 to Pine Mountain. Please note, however, that the ridge seems to connect with the west end of Pine Mountain and not with the peak marked 2914 feet. I have indicated the culminating ridge of Pine Mountain in a dashed red line. I have also noted several other ridges in dashed pencil. You are certainly correct that the ridge you asked me to trace cuts across the Five Bar S Ranch, but I am not certain that that point is of significance as far as microclimate is concerned.

2. Exhibit G is a copy of a letter from Peter Stern of Mirassou Winery sent to Jim Whitley as part of the documentation of the effort to establish the Alexander Valley Viticultural Area. This letter is the only document that the Five Bar S Ranch has in this regard.

3. I have included air photos (Exhibit H) of the general area as you requested on the telephone. They form a stereoscopic set. Since these photos are university property I would appreciate it if you could send them back to me when you finish with them.

4. I am not sure what you wanted to do with the soil map you enclosed (Exhibit I). I started to draw the ridge line you requested, but it is too difficult to interpret on the soil map photos, so I gave up. I would only be guessing. I believe the line you penciled on the map, below where I have stopped my red line, is too far to the west and follows the stream course rather than the ridge—but maybe that is what you wanted to do. I am not certain.

5. Exhibit J provides a series of ground photos with accompanying explanations. Exhibit K identifies the vineyards' locations schematically by number so that if you refer to Exhibit B that accompanied the original petition you can match up the photos with appropriate vineyards. The



photos depict all the vineyard sites, with the first photo (J-a) indicating the vineyards that can easily be identified from the valley floor. The final three photos (J, k-m) were taken with a telephoto lens, but all the others were shot with a normal lens.

6. Climatic data. In May I talked with Robert Sisson, our County Farm Advisor (who retired later in the summer), and he advised me that the maximum number of vineyards with climatic recording devices in Sonoma would be five percent. They are expensive and just not that common. Corinne Reichel determined from her father, however, that Bob Sisson had brought instruments into their vineyard for one growing season in 1973. These measurements were made the year before the vineyard was planted for the purpose of assisting the owners in varietal selection for the vineyard. Unfortunately, only temperature data were collected, and we are, therefore, unable to provide you any precipitation data.

The accompanying letter (Exhibit K), from Mr. Paul Vossen who has now assumed Mr. Sisson's position, is sound testimony to the appropriateness of including the Five Bar S Ranch in the Alexander Valley Viticultural Area. I know that you would like readings, as well, from the newly planted vineyards on higher ground, but that is not possible without great expense to the petitioners. Additionally, no instruments have been placed at the neighboring vineyard near the 1675 foot peak of Redwood Mountain, and so we cannot provide you any local climatological information other than what is reported in Mr. Vossen's letter.

Data from any National Oceanographic and Atmospheric Administration stations would be quite worthless, in my opinion, for this case, since they would be airport readings from towns at lower elevations and at quite some distance. They would say little about what conditions might be like at the vineyard sites. I think Mr. Vossen's data and comments are of far greater

import. You might also consider the data submitted by one or both sides in the Alexander Valley battle. Data from several stations in various parts of the valley were included in the official comments.

7. I remain confused as to the statement made in both the letter to Ms. Reichel and the letter to me that the four newly planted vineyards on the Harold Smith Ranch would be within the newly established Northern Sonoma Viticultural Area. In reading the boundary description in the Federal Register I see that in instruction (13) the boundary proceeds to the southeast corner of Section 4, T. 11 N., R. 10 W. Instruction (14) then states that the boundary goes due north to the Sonoma County-Mendocino County line. If the boundary description is accurate as stated in the Federal Register, and if I have applied it correctly in reading the topographic map, Section 33, of T. 12 N., R. 10 W. would fall within the Northern Sonoma Viticultural Area, but Section 34 would be outside it. Thus, the vineyard planted in 1974 would be the one within Northern Sonoma, and the newly planted vineyards would sit outside any viticultural area. Both letters refer to the general area as the northwesternmost corner of Northern Sonoma, when, in fact, it is the northeasternmost corner. Perhaps that is the source of the confusion.

Finally, if I might make one comment in response to statements that you make on page three of your May 21 letter to me. You question my comparison of the area we are petitioning for with adjacent territory (Section 32) inside the Alexander Valley Viticultural Area boundary. You state that it "seems most extraordinary" that I would do so. What is important is that Section 32 to which I refer is part of the Alexander Valley Viticultural Area. I recognize that it differs from other parts of the viticultural area, but it does sit within the viticultural area boundaries, and that point is not arguable. If the qualities of Section 32 were such that the land merited inclusion within the viticultural area, I was merely trying to argue that

the Harold Smith Ranch, being of very similar character, also merited inclusion. In other words, if you were to tell me that the Harold Smith Ranch could not be part of the Alexander Valley Viticultural Area because of topography, I would wonder how Section 32 belongs. I do recognize that the boundary must stop some place! I would note again, however, that several miles of mountains separate the vineyards being petitioned for from the next closest vineyards to the east.

Again, thanks very much for your careful examination of the petition. I know well that setting boundaries is a difficult business, and that your task is not an easy one.

## EXHIBITS

- F. U.S.G.S. Ast Quadrangle (7.5' Series)
- G. Letter dated January 13, 1983 from Peter Stern of Mirassou Winery
- H. Stereoscopic pair of air photos of the northern portion of the Alexander Valley.
- I. Soil map of northern part of Sonoma County.
- J. Thirteen ground photos of the vineyards on the Five Bar S (Harold Smith) Ranch.
- K. Schematic location of the five vineyard sites on the ranch.
- L. Letter dated October 15, 1985 from Mr. Paul Vossen, Sonoma County Farm Advisor.

COOPERATIVE EXTENSION  
UNIVERSITY OF CALIFORNIA  
SONOMA COUNTY

EXHIBIT L

2604 VENTURA AVENUE—ROOM 100-P  
SANTA ROSA, CALIFORNIA 95401  
TELEPHONE: (707) 527-2621  
4-H (707) 527-2681

October 15, 1985

Ms. Corinne Reichel

Healdsburg, CA 95448

Dear Ms. Reichel:

As to your request for a comparison of your vineyard location, at 32400 Pine Mountain Road, with other vineyard locations in classic Alexander Valley I have the following information. In 1973 our office had a weather station at 32400 Pine Mountain Road and 4 other locations in Alexander Valley including: 1. (½ mile west of Jimtown Store), 2. (½ mile south of Red Winery Road), 3. (¾ mile west of Alexander Valley School), and 4. (¾ mile south of Jimtown Store).

1973

<u>Location</u>	<u>Total Heat Units</u>	<u>Nearest LR Station</u>	<u>LR Station 10 yr. mean</u>	<u>LR Station Diff. from 10 yr. mean</u>	<u>Degrees above 70</u>	<u>Degrees above 80</u>
1	3052	3754	3575	+179		
3	2799	3754	3575	+179		
4	2931	3754	3575	+179		
2	3185	3754	3575	+179	1583	788
Pine Mtn.	3069	3727	3423	+304	1462	539

In summary, there is very little difference in heat unit summation between any of the locations listed above, in fact there was more variation between the locations right on the Valley floor (classic Alexander Valley) than there was between Pine Mountain and location #2, for example. Climate should not be used to exclude Pine Mountain Vineyard out of the Alexander Valley appellation.

I hope this information is of assistance.

Sincerely,

Paul Vossen  
Farm Advisor

PV:jb

November 4, 1985

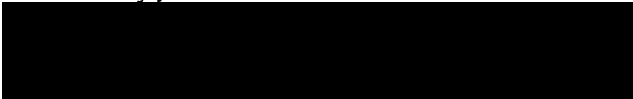


Mr. Michael Breen  
Dept of the Treasury  
Bureau of Alcohol, Tobacco & Firearms  
Washington, D.C. 20226

Dear Mr. Breen,

We have once again asked Dr. William Crowley to prepare a response and help gather the materials you requested in your letter of May 7th to me and May 21st to Dr. Crowley. We hope that you now have everything necessary to make a decision regarding our petition. If you have any further needs do not hesitate to call or write and we will do our best to fulfill them.

We appreciate the work you are doing for us and we look forward to a favorable decision on our petition.

Sincerely,

  
Corinne J. Reichel  
  
Healdsburg, Ca 95448  


cc: Dr. William Crowley

BLACK MOUNTAIN  
VINEYARD

January 16, 1986

Mr. Michael Breen  
Department of Treasury  
Bureau of Alcohol, Tobacco and Firearms  
Washington, D.C. 20226

Dear Mr. Breen:

My husband and I have asked Dr. William Crowley to prepare the enclosed petition which seeks to transfer a northern portion of the Russian River Valley Viticultural Area to the Alexander Valley Viticultural Area. If you have any questions or need further information, please contact me at the address and number below or at my home number [REDACTED]. If you are unable to reach me you may contact Dr. Crowley at the Department of Geography, Sonoma State University, Rohnert Park, CA 94928; telephone number [REDACTED].

Thank you for your consideration.

Sincerely,

[REDACTED]  
Tricia Toth  
Co-Owner

TT/dw

Enclosure

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*Ken & Tricia Toth / Proprietors  
Post Office Box 921  
Healdsburg, CA 95448  
707 431-7015*

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### II. Exhibits

1. Topographic map of the area
2. Wines using Digger Bend grapes (labels)
3. Climatic Data
4. Letter from Robert Sisson to Douglas Bay Shaffer, August 11, 1981
5. Letter from Robert Sisson to Tricia Toth, October 7, 1985
6. "Redefinition of the Southern Boundary of the Alexander Valley Viticultural Area to Include the Digger Bend Area," by Thomas B. Anderson, Professor of Geology

### III. Declarations

- A. Kenneth J. Toth
- B. Fredrick J. Passalacqua
- C. Charles A. Friend
- D. Jerry E. Luper--Chateau Bouchaine
- E. Stephen A. Girard--Girard Winery
- F. Julia Iantosca and William Wheeler--  
William Wheeler Winery
- G. Stan P. Miller--Kendall-Jackson Winery
- H. William J. Casey--St. Clement
- I. Gary Chesak--Chalk Hill Winery (formerly Donna  
Maria Vineyards)
- J. Chris Bilbro--Marietta Winery
- K. Michael Dixon--Simi Winery



PETITION TO SHIFT PART OF THE COMMON BOUNDARY  
BETWEEN THE RUSSIAN RIVER VALLEY  
AND THE ALEXANDER VALLEY VITICULTURAL AREAS

by  
William K. Crowley  
Professor of Geography  
Sonoma State University

PETITION TO SHIFT PART OF THE COMMON BOUNDARY  
BETWEEN THE RUSSIAN RIVER VALLEY  
AND THE ALEXANDER VALLEY VITICULTURAL AREAS

This petition seeks to shift southward part of the common boundary between the Alexander Valley Viticultural Area and the Russian River Valley Viticultural Area. If accepted the petition would add roughly 3700 acres of territory and nearly 275 acres of vineyard to the Alexander Valley while subtracting an equal amount from the Russian River Valley. The underlying bases for the requested change are that: (1) the area proposed for the shift is climatically more analogous to the warmer Alexander Valley than to the cooler Russian River Valley; (2) that vineyardists in this area felt (and still do feel) themselves to be part of the Alexander Valley, (3) that growers have sold their grapes to wineries as Alexander Valley grapes, and (4) the general alignment of topography and the layout of viticultural areas in this portion of Sonoma County suggest the petitioned area should be in the Alexander Valley. Throughout this document this area will be referred to as "Digger Bend," since it is so identified on U.S.G.S. topographic maps.

During the hearing on the Alexander Valley held by ATF officials in Santa Rosa, California on January 24, 1983 a case was made by the legal representative of the present petitioner for the inclusion of Digger Bend (defined slightly differently at that

time than in this petition) within the Alexander Valley Viticultural Area's boundaries. Post-hearing comments were also submitted to that end. In T.D. ATF-187 on the Alexander Valley Viticultural Area ATF refers to that proposal as "BA#2" on p. 42723 of the Federal Register, Vol. 49, No. 207, published October 24, 1984. In its decision, ATF argued that while the soils of "BA#2" are similar to the approved Alexander Valley, the climate, topographical separation, and historical evidence argue for its detachment from the Alexander Valley. Since I was a principal proponent for Group "B," whose boundaries ATF adopted (in modified form) for its Final Rule, I clearly understand how the Bureau came to its decision. I believe there is evidence and argument, however, which suggest that the better boundary is the one proposed in this petition. I might also add, that in the argument I made for the Group B proposal I was more concerned with where ATF was going to draw its northern boundary than its southern one, since the northern one was the principal bone of contention.

Evidence Concerning the Name and Viticultural History of  
the area

Much of the material submitted by sides "A" and "B" in the original conflict over defining the Alexander Valley revolved around the question of the historical and present sense of the place--just how much territory is included. As ATF well knows, different folks identified the boundary differently, particularly at different historical periods. Placing exact boundaries for the present was no easy task. Unfortunately, no maps demonstrate that

the area defined in this petition is part of the Alexander Valley. On U.S.G.S. topographic maps the viticulturally significant portion of the area is identified as "Digger Bend." Residents of the area, however, do not necessarily identify their piece of earth-space in the same way the the U.S.G.S. does. As declarations A, B and C (by Mr. Toth, Mr. Passalacqua and

1

Mr.Friend ) demonstrate, grape growers in this area have viewed it as part of the Alexander Valley for decades. (Exhibit 1 indicates the approximate boundaries of these properties.) Their perceptions have been shared by a large number of wineries in Sonoma and Napa Counties who have purchased grapes from the Toth (Black Mountain Vineyard), Passalacqua and Friend ranches. The wineries believed they were purchasing Alexander Valley grapes. Declarations D through K from Chateau Bouchaine, Girard, William Wheeler, Kendall-Jackson, St. Clement, Donna Maria (now Chalk Hill), Marietta and Simi wineries substantiate this claim, as does Exhibit 2 whose labels make it clear that at least as early as 1977 Joseph Phelps Vineyards, a Napa Valley winery, identified Black Mountain Vineyard (the property of the present petitioners, the Toths) as part of the Alexander Valley. Napa Cellars did the same in 1980, and Black Mountain Vineyard (a premium label for J. W. Morris Winery) followed suit with its 1983 Chardonnay. Additionally, page two of Declaration D includes a label from Chateau Bouchaine where Digger Bend grapes were identified as Alexander Valley. The J. W. Morris labels in Exhibit 2 identify wines that included grapes from Black Mountain Vineyard. (J. W. Morris Winery has been the property of the Toths since 1983.)Declarations A, B and C

also attest that grapes from these ranches have been sold as "Alexander Valley" grapes for some time.

We do not know of any grapes or wine from this area that has been identified as "Digger Bend." "Digger Bend" is not a known, recognized or utilized wine appellation. It is not a place name of any utility in the broader sense, for the people of the area being discussed.

#### Climate

Climatically the petitioned area is more closely aligned with the lower end of the approved Alexander Valley Viticultural Area than it is with the rest of the Russian River Valley Viticultural Area. The data in Exhibit 3 suggest the truth of this statement. The four years for which data are available from the Black Mountain Vineyard demonstrate its general similarity to the lower Alexander Valley data submitted as part of Group "A's" petition in the original attempt to define the Alexander

Valley (2814 HSU vs. 2996 HSU). Generalizations are difficult when comparing the individual vineyards. For example, in a year such as 1979 Black Mountain is definitely cooler than Widmer Vineyards or Alexander Valley Vineyards. On the other hand, it is a hair warmer than both in 1978, and a hair warmer than Widmer in 1980. The variations between Widmer and Alexander Valley Vineyards also change from year to year, but evidence in the Exhibit suggests that the general trend would be for Black Mountain to be slightly cooler than the lower Alexander Valley, and definitely warmer than the rest of the Russian River Valley (2814 vs. 2336--also see Exhibit 4). Additionally, the October 7,

1985 statement (Exhibit 5) from Robert L. Sisson (who, until he retired in May 1985, had been the Sonoma County Farm Advisor since the 1960s) demonstrates his conviction that the petitioned area is "coastal warm" and therefore more akin to the Alexander Valley than to the Russian River Valley which is "coastal cool" in climate. Wineries and vineyardists in the Russian River Valley widely proclaim their "coastal cool" character, many of them pointing out their Region I (Winkler System) status.

T. D. ATF-159 on the Russian River Valley Viticultural Area also acknowledged that "the neighboring Alexander Valley is termed 'coastal warm' with a range of accumulated heat units between 2800 and 3500 as calculated according to the Winkler and Amerine formula for degree days. The Russian River Valley Viticultural Area is termed 'coastal cool' with a range of 2000 and 2800 accumulated heat units" (Federal Register, Vol. 48, No. 205, October 21, 1983, p. 48813).

The evidence offered by Kenneth Toth (Declaration A) with respect to the viticultural consequences of the "Digger Bend" climate offers testimony to the impact of the local climate on grape production. Varietal selection, grape character, and harvest-dates are more reflective of Alexander Valley than Russian River Valley circumstances.

#### Soils

In its Final Rule defining the boundaries of the Alexander Valley, ATF agreed that the soils of the Digger Bend area are closely allied with those of the approved Alexander Valley (Federal Register, Vol. 49, No. 207, p. 42723). The soils of the

Yolo-Cortina-Pleasanton association found throughout the Alexander Valley are the primary soils also in Digger Bend. For further explication of this point see the comments made by Dr. Thomas Anderson, geologist, at the bottom of page three of his report (Exhibit 6).

#### Topographical Considerations

The Final Rule on the Alexander Valley argued against inclusion of area "BA#2" within the viticultural area boundaries because it was separated by "a line of foothills ranging from 450 feet to nearly 800 feet in elevation" from the main valley floor (Federal Register, Vol. 49, No. 207, p. 24723) . I agree with ATF that there is a clear topographic separation--the line of foothills alluded to--between the main valley floor and Digger Bend. If the context was that of only one viticultural area--the Alexander Valley--and the topographic map was the sole basis of evidence (no climatic considerations, soil considerations or considerations of local folks' perceptions) there could be little argument. There is a larger context here, however, and there are other criteria. The larger context is that this general area of Sonoma County, because of its viticultural nature, has been divided into four viticultural areas--Alexander Valley, Russian River Valley, Chalk Hill and Dry Creek Valley (Chalk Hill being entirely within the Russian River Valley)--whose boundaries are all aligned with one another and who collectively totally encompass this part of the county. Where "Digger Bend" belongs, then, must be viewed in the larger context, since it sits very near the "junction" of these four areas (though I realize that

Chalk Hill and Dry Creek Valley do not actually touch one another). If it is ATF's desire to have reasonably large viticultural areas in this part of the county the question becomes one of where does Digger Bend best fit. (Obviously, another option would be to propose yet a fifth viticultural area called Digger Bend, but that appellation, as noted previously, has no present or historical connection with viticulture and wine.) In this context I believe Digger Bend fits best with the Alexander Valley, not only for reasons of climate, soil, local perception and identification of wines made from the area's grapes as Alexander Valley, but for reasons of topography as well. I believe Professor Anderson's report (Exhibit 6) states the case most clearly. The topographic divide that stretches from Fitch Mountain to Black Peak on the south side of Digger Bend completely separates the area from the rest of the Russian River Valley and is a much more imposing ridge than the one to the north of Digger Bend that separates the area from the main part of the Alexander Valley floor. Digger Bend is much more effectively cut off from the Russian River Valley than it is from the Alexander Valley.

The Fitch Mountain-Black Peak ridge is also the primary microclimatic control that explains Digger Bend's greater climatic affinity with the Alexander Valley than with the Russian River Valley. This ridge acts as an effective impediment to fog flow on many an occasion so that the marine-fog influence is considerably lessened in Digger Bend, much as it is on the floor of the main Alexander Valley. The result is the Coastal Warm rather than the Coastal Cool climate that the Russian River Valley experiences.



ATF precedents in other viticultural area decisions have not hewn to rigid topographic limits of valleys, but have considered historical identifications, history of grape sales and the identification of wines made from such grapes. In its Final Rule on the Napa Valley, ATF went far beyond the originally proposed limits of the valley and across various ridge lines to incorporate smaller nearby valleys such as Pope Valley, Chiles Valley, Foss Valley and Wooden Valley--all clearly identified by those names on U.S.G.S topographic maps--within the final boundaries of the Napa Valley Viticultural Area. Likewise (though there was apparently no opposition in this case), the boundaries of the Sonoma Valley Viticultural Area incorporate physically distinct Bennett Valley, which is clearly identified as the "Bennett Valley" on U.S.G.S. topographic maps. Therefore, the fact that the area presently petitioned for is separated from the main floor of the Alexander Valley by a low ridge, and that the area is identified as "Digger Bend" on U.S.G.S. topographic sheets does not preclude it from being incorporated in the Alexander Valley if other ATF decisions lend weight.

Also, when ATF approved the incorporation of the tongue of land identified in T.D. ATF-187 as "BA#1" into the Alexander Valley it breached the strict, topographical basin definition of the Alexander Valley. To include the Simi Winery in the Alexander Valley required crossing the same ridge that the present petition asks ATF to cross (though admittedly at a lower elevation--around 300 feet maximum). But that ridge can also be crossed at 300 feet between Simi and Digger Bend, and the ridge's highest point

between Simi and Digger Bend is only 453 feet. Note also that Mr. Friend's property--Declaration C and Exhibit 1--has one of its boundaries across the street from the Simi winery.

#### Conclusions

1. The perceptions of Digger Bend's residents (they think they are in the Alexander Valley), the perception of wineries that have bought grapes from the area, and the identification of the area on wine labels as "Alexander Valley" all argue for the inclusion of the area in the Alexander Valley.

2. The climatic evidence indicates that the "Digger Bend" area is more closely associated with the Alexander Valley than it is with the Russian River Valley. It is a Coastal Warm rather than a Coastal Cool area.

3. The soils of "Digger Bend" belong to the same soil association as the predominant soils of the Alexander Valley.

4. Topographically, Digger Bend is far more isolated from the Russian River Valley than it is from the Alexander Valley as presently defined. The gross topography of this part of Sonoma County argues for Digger Bend being part of the Alexander Valley, not the Russian River Valley.

#### The Specific Boundaries of the Amended Area

If the present petition is approved it will result in a realignment of part of the common boundary between the Russian River Valley Viticultural Area and the Alexander Valley Viticultural Area, subtracting land from the former and adding it to the latter. The following describes the newly proposed common boundary. Please note that this is the realignment we propose.

The realignment suggested by Dr. Anderson in Exhibit 5 has been modified because part of his suggested modification would intrude on the Chalk Hill Viticultural Area. The following description avoids any intrusion with Chalk Hill, but otherwise follows Dr. Anderson's proposed boundary. (I talked with Dr. Anderson on January 11, 1986 and he agreed with my suggested alteration of his description, since he was unaware of the Chalk Hill boundaries.)

The boundary described below replaces description 21 to 27 in T.D. ATF-187. The starting point is the intersection of an unnamed heavy-duty road known locally as Healdsburg Avenue and an unnamed light-duty road known locally as Chiquita Road (Description 20 in T.D. ATF-187) on the Jimtown topographic quadrangle map. The proposed boundary is green (Exhibit A).

1. Then easterly approximately 4500 feet in a straight line through a point on a peak identified as having an elevation of 453 feet to the intersection of this line with the power line shown on the map.

2. Then generally southeasterly along the course of the power line to a point approximately 800 feet northwest of Fitch Mountain on the Healdsburg topographic quadrangle.

3. Then southeasterly approximately 800 feet in a straight line to the top of a peak identified as Fitch Mountain.

4. Then southeasterly approximately 8800 feet in a straight line to a peak identified as Black Peak.

5. Then southeasterly approximately 4750 feet to the intersection of the range line common to R. 9 W. and R. 8 W. in T. 9 N. with the Russian River.

6. Then easterly along the Russian River to its confluence with Brooks Creek.

Please note that description 6 would also provide a common boundary with a portion of the northern limit of the Chalk Hill Viticultural Area.

#### Footnotes

1. Please note that in Mr. Friend's declaration he apparently does not realize that he is presently outside the Alexander Valley as defined viticulturally.

2. See letter from Robert Sisson to Robert Young, submitted by Group A, regarding the climate of the lower Alexander Valley. I am sorry that I cannot find a copy of the letter, but I do have a record of the figure cited.

DECLARATION

I, KENNETH J. TOTH, declare as follows:

I am a resident of Healdsburg, County of Sonoma, State of California, with a home address of 2470 Rio Lindo Avenue, Healdsburg, California; that I am the owner of ranch property commonly known as "BLACK MOUNTAIN RANCH" located at 2470 Rio Lindo Avenue, Healdsburg, California, which said property is designated in red on the topographic map marked Exhibit A submitted with this Declaration; in excess of one hundred (100) acres of my said property is planted to mainly varietal grapes of the varieties Sauvignon Blanc, Cabernet Sauvignon, Pinot Chardonnay, and Zinfandel.

That it is my opinion and my request that my said property be included within the Alexander Valley appellation and not a proposed Russian River appellation for the following reasons:

(a) The varieties of grapes grown on my said property are more akin to those grown best in the Alexander Valley region;

(b) Although the Pinot Chardonnay variety is grown in both the Alexander Valley and Russian River areas, this variety when grown in the Alexander Valley region tends to have a lower acid and a heavier style wine which equates with the results obtained by me in growing this variety on my ranch;

(c) Harvesting of our grape crop typically is concluded on my said property by mid-September which corresponds to the harvesting season in the Alexander Valley region;

(d) The varieties Sauvignon Blanc and Cabernet Sauvignon grow well on my property as they do in the Alexander Valley region but both of these varieties do poorly south of Healdsburg in the proposed Russian River appellation area;

(e) Historically the location of my said property, as well as the Passalacqua Ranch to the north thereof, has been considered a part of Alexander Valley as indicated by the declaration of FREDERICK J. PASSALACQUA submitted simultaneously with this declaration;

(f) That at the time I purchased my said property in 1976 it was indicated to me by the previous owner who had owned the property for well over 50 years that the grapes growing thereon were considered to be part of Alexander Valley production. Relying on what I considered to be an historical fact, I have consistently marketed grapes grown on my property, which approximate 300 to 400 tons per year, as grapes grown in the Alexander Valley. In support of this statement I am also submitting with this Declaration labels used by wineries indicating grapes used to produce wine from my property as being designated as "BLACK MOUNTAIN VINEYARD" and in some cases, as Alexander Valley as well. Said labels are attached to Exhibits marked "B-1" and "B-2" enclosed herewith.

Relying on information furnished me at the time I purchased my property in 1976 and subsequently, I have developed my vineyard, known as "BLACK MOUNTAIN VINEYARD" and/or "BLACK MOUNTAIN RANCH" as an Alexander Valley premium varietal vineyard and as indicated by the aforesaid wine labels have had publicized wines made from grapes marketed from my said property as being from the Alexander Valley.

For the reasons set forth in this Declaration and in the accompanying Declaration of FREDERICK J. PASSALACQUA and the herein referred to Exhibits, I request that my property along with the Passalacqua property be included within the proposed Alexander Valley appellation. I am suggesting a southerly border of said appellation area as indicated by me on the topographical map marked Exhibit A and submitted simultaneously herewith.

I make this declaration for the purpose of requesting of the Bureau of Alcohol, Tobacco & Firearms to include my said property, along with the property of FREDERICK J. PASSALACQUA, in the Alexander Valley appellation designation.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on February 23, 1983 at Healdsburg, California.

---

KENNETH J. TOTH

DECLARATION

I, FREDRICK J. PASSALACQUA, declare as follows:

That I am a resident of Healdsburg, County of Sonoma, State of California, with a home address of Alexander Valley Road, Healdsburg, California; that I am an owner with my siblings of approximately five hundred fifty (550) acres located to the North on Alexander Valley Road and bordering on the South the Russian River; that said acreage is designated in yellow on the topographic map attached to the declaration of KENNETH TOTH being submitted simultaneously with this declaration; that said acreage in which I own an interest has been in my family for over sixty (60) years and for at least the last forty (40) years there has been on said acreage one hundred forty acres (140) planted to grapes; that said grapes consist of Chenin Blanc, Petit Sirah, Zinfandel as well as general mixed black wine grapes.

That the grapes harvested from the aforesaid one hundred forty (140) acres have been sold over the years mainly to Soda Rock Winery located in Alexander Valley, Healdsburg, California, as well as to Simi Winery and Seghesio Winery, both located in Healdsburg, California, and also to Pedroncelli Winery in Geyserville, California, and Martini & Prati Winery in Forestville, California, all of said wineries being in the County of Sonoma, State of California. That said grapes have been sold



to said wineries as being from the Alexander Valley and as long as I and my family have owned said acreage we have always considered our said property to be a part of Alexander Valley.

That our said acreage, as well as that of KENNETH J. TOTH, are the only properties in our immediate area that have a long history of grape production.

I make this declaration for the purpose of requesting of the Bureau of Alcohol, Tobacco and Firearms to include the said property in which I have an interest along with the property of KENNETH J. TOTH, in the Alexander Valley appellation designation, and in this regard, I do support the proposed southern boundary line of said Alexander Valley appellation as designated in black on the aforesaid topographic map made a part of KENNETH TOTH's declaration.

I declare under penalty of perjury that the foregoing is true and correct and that this Declaration was executed on February 23, 1983 at Healdsburg, California.

  
FREDRICK J. PASSALACQUA

DECLARATION

I, Charles A. Friend declare as follows:

I am the owner of the property located at 16484 Healdsburg Avenue, Healdsburg, California. The property is the fifty-two acres described in Sonoma County, California Map Book 090, page 040, parcel 105. Approximately twenty acres are planted to varietal grapes (Johannisberg Riesling, French Colombard and Zinfandel).

It has been my understanding that my vineyard is included in the Alexander Valley. I have, since my purchase of the vineyard in 1972, always sold the grape crop as such. The previous owner also sold the grape crop for the nineteen years of his ownership as Alexander Valley grapes (Joseph Howard, now living at 308 Pine Circle, Healdsburg, California).

It is my strongly held opinion that my property should continue to be considered to be within the Alexander Valley appellation rather than the Russian River appellation as I understand is now proposed. My reasons for this position are:

- 1.) Geographically and historically the property has always been considered as being part of Alexander Valley. (It is my understanding that Simi Winery, which is across Healdsburg Avenue to the west from my ranch and thus actually slightly in the direction away from Alexander Valley compared to my property is listed as Alexander Valley appellation. This does not seem consistent geographically.)
- 2.) The varieties of grapes grown on my ranch are consistent with the varieties best grown in the Alexander Valley appellation.
- 3.) Crop ripening is normally complete and harvesting done by late September to very early October, which I understand is coincidental with Alexander Valley harvests of similar varieties. I feel this is because the climate is consistent with the rest of Alexander Valley.

4.) When I bought the property I was advised that it was considered to be part of Alexander Valley. I have, in the course of the fourteen harvests since my purchase of the vineyard, represented and sold the crops as Alexander Valley grapes. The following wineries, all of which were aware of the location of the property, accepted the crops as Alexander Valley grapes:

Chateau St. Jean

Korbel

Adler Fels

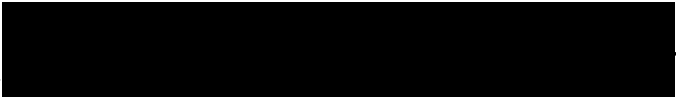
Souverain

Simi

Frei Brothers

It is my belief that all of the experienced wine makers who, in the process of coordinating the contractual, cultural practice and harvest details of the years of grape production on the part of myself and my predecessor growers (some of the Zinfandel vines date back to 1907) must be respected in their understand of the ranch to be a part of Alexander Valley. To revise the appellation (downward in economic terms) to another appellation is very difficult for me to accept or to understand (in terms of logic; either historical or geographic).

The purpose of this declaration is to set forth my position that my ranch is and has always been considered to be in Alexander Valley to the best of my knowledge and information. I request on historic, geographic, economic and enological bases as cited above that my vineyard as well as the Toth, Passalacqua and Foppiano vineyards, which are similarly requesting, be included within the Alexander Valley appellation. I respectfully declare that to do otherwise is to change the historically accepted designation without just cause.

  
CHARLES A. FRIEND

January 12, 1986

1/12/86

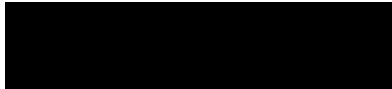
CHATEAU  
BOUCHAINE

January 8, 1985

To Whom it May Concern:

In 1982 Chateau Bouchaine purchased approximately 50 tons of chardonnay grapes from Black Mountain Vineyard, Healdsburg, made wine therefrom and then blended same with wine from 50 tons of chardonnay from the former Richard Kieth vineyard. The ensuing blend was bottled under the Alexander Valley appellation as evidenced by the enclosed label.

Very truly yours,



Jerry E. Luper  
Winemaster

JEL/kl

encl.

CHATEAU  
BOUCHAINE

1982  
CHARDONNAY  
ALEXANDER VALLEY

PRODUCED & BOTTLED BY CHATEAU BOUCHAINE, CARNEROS,  
NAPA VALLEY, CALIFORNIA • ALCOHOL 13.5% BY VOLUME

## GIRARD



WINERY


January 8, 1986

To Whom it May Concern:

Following is a breakdown of the tonnages of Sauvignon Blanc we have purchased from Black Mountain Vineyards which we assume is in Alexander Valley.

<u>Year</u>	<u>Sauvignon Blanc in Tons</u>
1982	52.5
1983	39.8
1984	20.2

Best Regards,

  
Stephen A. Girard  
President

SAG/cfw



January 9, 1986

To Whom it May Concern:

William Wheeler Winery purchased grapes from Black Mountain Vineyards in 1982 and 1983. We considered the grapes to be from Alexander Valley, and we used that designation when marketing the wines. Enclosed is a copy of some promotional literature citing Black Mountain Vineyards as being in Alexander Valley.

We feel that the Chardonnay from Black Mountain displays the characteristics typical of Alexander Valley grapes - forward, luscious fruit, rather than the characteristics of Russian River grapes - lean, austere, steely. As the enclosed information indicates, we deal with grapes from both areas and we are familiar with the characteristics of both regions.

Sincerely,

(Julia) Iantosca  
Winemaker

William Wheeler  
Owner



### 1982 SONOMA CHARDONNAY

Our 1982 is still predominantly from the Sonoma-Cutrer vineyard although two other vineyards have been added. We were trying this year for slightly less oak (our barrels were new in 1981) and more fruit. Still a luscious full-bodied wine, but not quite so "showy". Available in 375 ML and 750 ML.

Suggested California Retail: \$11.00 per bottle

## STATISTICS

	'82 CHAR (M)	'82 CHAR (S)	'81 P.N.	'81 CAB	'80 CAB R	'82 SB
Brix at harvest	22.6	24	22.5	24	25.0	21.7
Alcohol	13.3	13.8	12.3	14.5	14.5	12.7
Total Acid	.85	.81	0.68	.70	0.72	0.75
pH	3.5	3.3	3.55	3.4	3.36	3.2
Time in oak	6 mo.	6 mo.	11 mo.	13 mo.	19 mo.	5 mo.
Bottling	6/83	8/83	8/82	6/83	8/82	4/83
Case production	1525	4000	565	1800	450	2500

### 1982 SONOMA COUNTY CHARDONNAY

This is our second vintage of Sonoma Chardonnay, a blend from three selected vineyards - the Keith Ranch (35%) and Black Mountain Vineyards (17%) in the Alexander Valley and Sonoma-Cutrer Vineyards (48%) in the Russian River area. The Alexander Valley grapes contribute a rich, luscious fruit character and the Russian River area grapes lend a firm structure.

The grape must received about 10 hours of skin contact and was 60% stainless steel fermented and 40% barrel fermented in French oak puncheons with Epernay II yeast. Fermentation rates were quite slow with all lots finishing up by February 1983.

After a long, wet winter, the 1982 growing season in Sonoma County was characterized by a later than normal bud break, very light spring frost and a heavy overall fruit set. The summer progressed well, but two slow-moving tropical storms near harvest time increased humidity causing some bunch rot and Botrytis. Certain of our lots, though selectively picked, contained 3-5% Botrytis - a level which we feel may enhance the blend.

This Chardonnay has an engaging balance of fruit and oak with a round, full mouth and crisp finish - an excellent food wine.





January 10, 1986

Ken Toth

Healdsburg, CA 95448

Dear Ken:

In 1984 we purchased approximately 100 tons of Chardonnay grapes from your Black Mountain Vineyard. In doing so, we assumed that we were getting grapes that would carry the Alexander Valley Appellation.

Very truly yours,

Stan P. Miller  
Chief Financial Officer  
Kendall-Jackson Group

# ST. CLEMENT

January 10, 1986

Bureau of Alcohol, Tobacco and Firearms  
To whom it may concern

re: Black Mountain Vineyard  
Alexander Valley

At the request of the owners of Black Mountain Vineyard this will certify that in 1982 we purchased 10.29 tons of Chardonnay from Black Mountain Vineyard.

I gather that there is some question about the location of this vineyard for appellation purposes. It is my belief now and was then that this property is in the Alexander Valley and the grapes were purchased with that in mind. So far as I know this is the belief of all others who have purchased grapes from them.

Please let me know if I may supply any additional information.

Yours sincerely,



William J. Casey, M.D.  
Owner

WJC:b



# Donna Maria

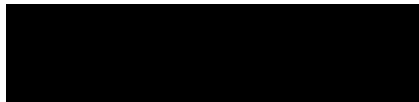
10286 Chalk Hill Road, Healdsburg, Sonoma County, California 95448 · Telephone (707) 838-4306

January 14, 1986

B.A.T.F.  
525 Market Street, 34th Floor  
San Francisco, CA 94105

To Whom It May Concern:

This letter is a confirmation that Chalk Hill Winery purchased Sauvignon Blanc grapes from Black Mountain Vineyards in 1982. At this time it was our assumption that the vineyard was in the Alexander Valley Appellation.



Gary Chesak  
General Manager  
Chalk Hill Winery

GC/mj

CHALK HILL WINERY

Producer of Donna Maria Estate Bottled Wines



and Chalk Hill Winery Fine Varietal Wines



1/14/84

To Whom it may concern.

Marietta Cellars has purchased  
Cabernet Sauvignon grapes from Black  
Mountain Vineyard.

We purchased the grapes in 1982  
assuming they were in Alexander Valley.  
Furthermore, the resultant wine produced  
was exemplary of Alexander Valley  
wine as opposed to Dry Creek or  
Russian River viticultural area wines.

Sincerely,

Wineowner/owner

by

# S I M I

1876

MICHAEL G. D'ARRETT, ENOM  
PRESIDENT

January 15, 1986

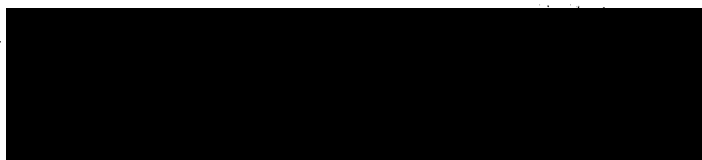
Bureau of Alcohol, Tobacco and Firearms  
Washington, D. C.

To Whom It May Concern:

Mr. and Mrs. Toth of Black Mountain Vineyards have asked Simi Winery to comment on their proposal to consider the movement of the southern boundary of the Alexander Valley.

In the past, Simi Winery has purchased grapes from this vineyard and we have found them similar in character to grapes of the same variety which we have purchased in the Alexander Valley. From a geographical point of view, it is difficult to argue that the present southern boundary is any more logical than that proposed by Mr. and Mrs. Toth.

Yours sincerely,





BLACK MOUNTAIN  
VINEYARD

ALEXANDER VALLEY

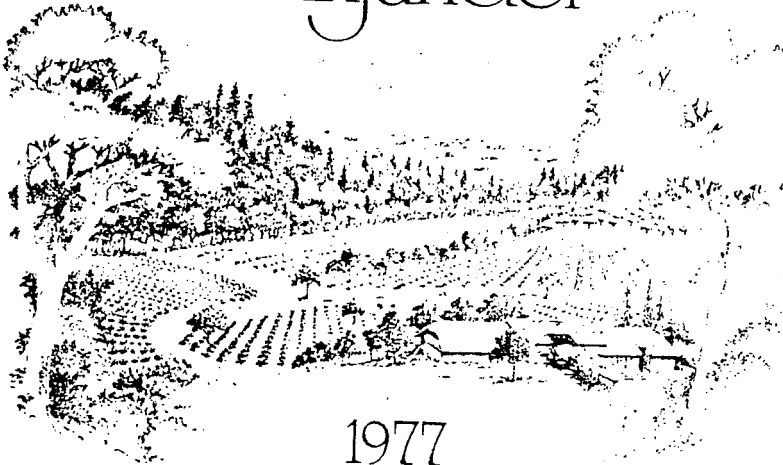
1983 *chardonnay*

GROWN, PRODUCED & BOTTLED BY BLACK MOUNTAIN VINEYARD  
HEALDSBURG, SONOMA COUNTY, CALIFORNIA  
ALCOHOL 13.0% BY VOLUME

EX-117 2  
4/77

**BLACK MOUNTAIN VINEYARD**

Alexander Valley  
Zinfandel



1977

Joseph Phelps Vineyards

Alcohol 15.6% by volume  
Produced and bottled by Joseph Phelps Vineyards, St. Helena, California

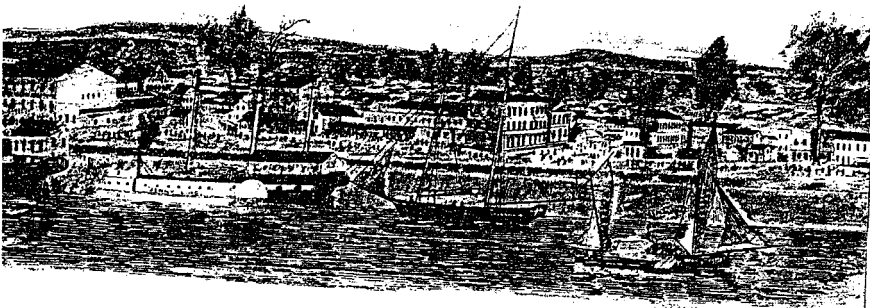
1980

*Alexander Valley*  
*Chardonnay*  
*Black Mountain Vineyard*



**Napa Cellars**

ALCOHOL 13.5% BY VOLUME  
PRODUCED AND BOTTLED BY NAPA CELLARS WINERY  
OAKVILLE, CALIFORNIA

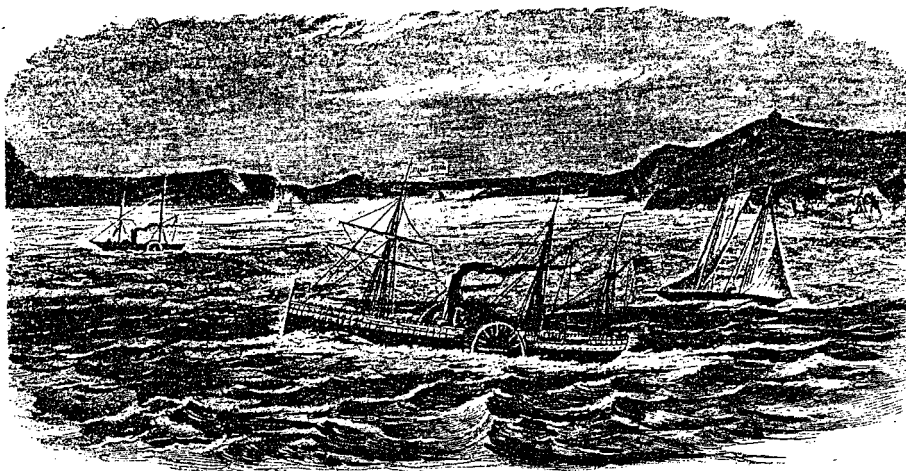


*Steamboat Landing - Sacramento - 1854*

**J.W. MORRIS**  
**SAUVIGNON BLANC**  
**1983** SONOMA COUNTY  
ALEXANDER VALLEY

TABLE WINE PRODUCED AND BOTTLED BY  
J. W. MORRIS WINERY, HEALDSBURG, CALIFORNIA

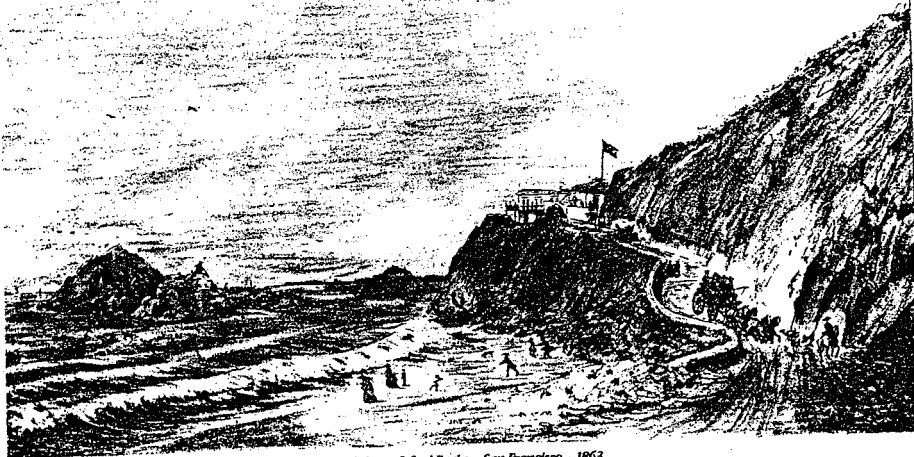




*Approach to Golden Gate - San Francisco - 1864*

**J.W. MORRIS**  
**CHARDONNAY**  
1983 SONOMA COUNTY  
ALEXANDER VALLEY

TABLE WINE PRODUCED AND BOTTLED BY  
J. W. MORRIS WINERY, HEALDSBURG, CALIFORNIA



*Cliff House & Seal Rocks - San Francisco - 1863*

**J.W. MORRIS**  
**SAUVIGNON BLANC**  
1984 SONOMA COUNTY  
ALEXANDER VALLEY

TABLE WINE PRODUCED AND BOTTLED BY  
J. W. MORRIS WINERY, HEALDSBURG, CALIFORNIA

EXHIBIT 3

Climatic Data

<u>Location</u>	<u>Heat Summation Units</u>
Black Mountain Ranch (Digger Bend) (4 year avg., 1977-1980)	2814
Lower Alexander Valley (Letter from Sisson to Young)	2996
Russian River Valley (Avg. of 10 locations, letter from Sisson to Shaffer)	2366
Widmer Vineyard (Alexander Valley) (8 year avg., 1977-1984)	3036
Widmer Vineyard (4 year avg., 1977-1980)	3001
Alexander Valley Vineyards (Alexander Valley) (11 year avg., 1974-1984)	3005
Alexander Valley Vineyards (4 year avg., 1977-1980)	3050
Alexander Valley Vineyards (old instrument site) (instrument in vineyards 1974-1977)	2579
Alexander Valley Vineyards (new instrument site) (instrument sited near winery 1978-1984)	3248

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Individual Vineyard Data (Heat Summation Units)

	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>
Black Mountain Vineyard	2576	3086	2792	2800
Widmer Vineyard	2965	3044	3263	2730
Alex. Valley Vineyards	2684	3044	3279	3194

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Notes

1. The average readings for Alexander Valley Vineyards went up dramatically when they moved their instrument near the winery, an indication of how important the instrument site is, a point Sisson makes in his letter to Shaffer (Exhibit 4)

2. Alexander Valley Vineyards readings ranged from a low of 2430 in 1976 to a high of 3455 in 1981. Widmer's low was 2730 in 1980, and its high was 3369 in 1984.

COOPERATIVE EXTENSION  
UNIVERSITY OF CALIFORNIA  
SONOMA COUNTY

2

EXHIBIT 4

August 11, 1981

3pp

2604 VENTURA /  
SANTA ROSA, CA  
TELEPHONE: 527-2621

Douglas Bay Shaffer  
[REDACTED]  
Cloverdale, California 95425

Dear Mr. Shaffer:

The following display compares the climate of the Cloverdale area with an area to the south that is generally described as the Russian River Valley.

The prevailing climate of the Cloverdale area is what I describe as "coastal warm." I have used the terms coastal warm and, as in the case of the Russian River Valley, coastal cool, rather than a region or combination of regions as they are described by Winkler and Amerine, due to a marked degree of variability in growing season temperatures that occur in Sonoma County. The regional concept is based on calculations that were described by Winkler and Amerine in 1944 and are expressed as accumulations of degree days in increments of 500, beginning with the value of 2,000 as the low end of Region I. A degree day, as described by Winkler and Amerine, is a numerical value derived mathematically from the daily mean temperature and 50 degrees Fahrenheit. The term, "heat unit," is also used in place of "degree day" to describe grape growing climates, in my opinion, is a more understandable term for this purpose, since there are other calculations where the term, degree day, based on different calculations, is also used.

The term "coastal warm" used for this discussion describes a range of accumulated heat units between 2800 and 3500 calculated according to the Winkler and Amerine formula for degree days. The term also attempts to take into account the impact of the prevailing marine fog intrusion that influences the measurable amounts of incident solar energy and footcandles of light on the vine's canopy that also bear an overall photosynthesis, sugar accumulation, and the seasonal time of harvest readiness. The term is also intended to take into account the duration of vine and fruit exposure to various temperature levels and not just settle for a single point of contact at the highest and lowest readings for a given day. The assumption is made that total time of exposure to the higher temperature ranges, as typified by Interior San Joaquin locations, has a distinct bearing on the retained levels of total acid at harvest.

The following climate data is based on actual field location readings--not readings taken from U. S. Weather service observer "in town" locations. The regularly recorded and reported U. S. Weather readings are often strongly affected by the influence of nearby buildings and the overall retained heat effect of the entire urban area where the instruments

are located. A case in point may be observed by comparing the data on from the Kreck Ranch on the outskirts of the city of Healdsburg and "in town" Healdsburg readings for the years 1976 and 1977.

<u>Year</u>	<u>Heat Accumulation Kreck Ranch</u>	<u>Heat Accumulation "In-town" Healdsburg</u>	<u>Heat Difference</u>
1976	2991	3681	690
1977	3029	3632	603

The difference amounts to more than one full region in less than two miles of distance.

Both locations are on the border of the prevailing marine fog intrusion that tends to separate "coastal cool" (2000 - 2800 heat units) from "coastal warm" (2800 - 3500+ heat units). The "in-town" heat unit readings for the U. S. Weather service station in Cloverdale also differ similarly. A comparison of two field locations within two miles of the station showed an average difference of 361 fewer heat units for years 1967 and 1972.

Four reading locations, all "coastal warm," in or near Cloverdale are displayed below. Two of these locations, the Hiatt ranch and the Black ranch, are along the Russian River; a third, the Spaletta ranch typifies the higher elevations to the east and a corrected "in town" Cloverdale station location value.

<u>Location</u>	<u>Corrected Heat Units</u>
Black - B	2811
Hiatt - H	3256
Spaletta	3212 ( 3 year average)
*Cloverdale	3055 (10 year average)
4-Location mean	3085

\*Actual Cloverdale readings are adjusted down 361 heat units to correct the "in town" effect.

A representative selection of recording locations from the predominant "coastal cool" area of the Russian River Valley displays the following.

<u>Location</u>	<u>Corrected Heat Units</u>
Atkinson Ranch (Graton area)	2189
Martini Ranch (Trenton area)	2131
Korbel Ranch (lower Russian River)	2214
Sonoma Vineyards (River Road area)	2311
Benoit Ranch (lower Russian River)	2415
Fenton Acres (lower Russian River)	2561 (11 years average)
Harmeson Ranch (lower Russian River)	2582 (4 year average)
Dutton Ranch (Graton area)	2717
Hansen Ranch (Occidental area)	2891 (3 year average)
Graton Station (uncorrected)	2475
10 location mean =	2366

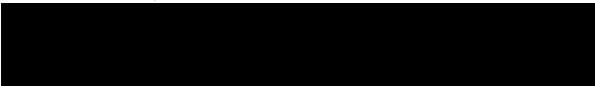
A further example of the kind of differences that tend to exist between coastal warm and coastal cool locations is displayed by the number of hours that temperatures tend to remain in the highly effective photosynthesis range between 70 and 90 degrees Fahrenheit. During 1972 a typical Cloverdale area coastal warm location displayed 1137 hours in this range, with 483 hours between 80 and 90 degrees F. In contrast, a typical coastal cool location during the same year displayed only 976 hours between 70 and 90 degrees F., and only 288 hours between 80 and 90 degrees F.

The hours above the usually used 50°F. base also varied strongly during this rather cool year, with the coastal cool location showing 2872, and the coastal warm, 4295.

These kinds of difference help explain the behavior of varieties like the Cabernet sauvignon between the two areas. The cabernet is a variety which requires the strength of climate support that characterizes the Sonoma County coastal warm zone.

The data displayed shows reasonably clearly the differences between the coastal warm climate that associates with the Cloverdale area and the coastal cool characteristics of the coastal cool Russian River Valley further south.

Sincerely,

  
Robert L. Sisson  
County Director & Farm Advisor  
Sonoma County

RLS/bb

RECEIVED OCT 10 1985

EXHIBIT 5  
13

Mrs. Tricia Toth  
J.W. Morris Wineries  
P.O. Box 921,  
Healdsburg, CA. 95448

7 October 1985

Dear Mrs. Toth:

I sincerely hope you achieve your objective of convincing BATF that your upper Russian River vineyard should be included in the Alexander Valley Appellation. The climate records you have accumulated at your vineyard location show heat unit summations that certainly bear out your conviction that you are indeed Coastal Warm in all respects and do not differ from the climate patterns displayed in the "Classic" Alexander Valley area.

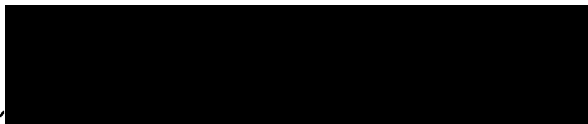
I believe you may benefit more, however, by making a strong point of how you differ from the major portions of the Russian River Valley as typified by the Santa Rosa plain, Forestville, lower Russian River region that tend to be Coastal Cool. It may prove to be somewhat easier for you to do this after you have examined your recorder tapes in terms of hours of exposure in the temperature range between 70°F and 90°F.

I continue to feel that your strongest position may be attained if you can locate some of the old maps of Sonoma County that display a much larger geographical area identified as Alexander Valley than just the "Classic" Alexander Valley area immediately adjacent to your property.

It may prove to be of value to contact one of the Cordtz family of Cordtz Brothers Cellers Inc., 28237 River Road, Cloverdale. I believe these folks were also involved in the successful effort to have their area included in the Alexander Valley appellation.

My statement for our consultation session of September 24th is attached.

Sincerely,



Robert L. Sisson  
Viticultural Consultant

Redefinition of the Southern Boundary of the Alexander Valley  
Viticultural Area to Include the Digger Bend Area

Prepared by:

Thomas B. Anderson  
Professor of Geology  
Sonoma State University  
Rohnert Park, California

## Introduction

The Digger Bend Area along the Russian River northeast of Healdsburg consists of bottomland of river terraces formed of recent and young river gravels. The southern boundary of the small basin is a steep slope up to a ridge which ranges in elevation from 800 to 1000 feet and forms a major topographic feature in this area. Fitch Mountain (991 feet in elevation) and Black Peak (960 feet in elevation) are the two prominent peaks along this ridge which also contains several lower peaks in the 850 elevation range. The northern and eastern topographic boundary of the Digger Bend Area consists of a more subdued range of hills with elevations at the ridge crest ranging from 450 to 775 feet. The western boundary of this basin is formed by a low range of hills approximately 400-450 feet in elevation which separate the Digger Bend basin from the northern Healdsburg basin. The Russian River flows through the Digger Bend basin entering through a narrow bedrock gorge on the east, making a prominent bend, and leaving the basin through another narrow gorge on the south.

The southern boundary of the Alexander Valley Viticultural Area as defined by the Bureau of Alcohol, Tobacco, and Firearms (BATF) in 1984 generally passes along the low ridge north of the Digger Bend Area (Exhibit A: topographic map mosaic of the southern Alexander Valley area) which separates the Digger Bend topographic basin from the larger basin known as Alexander Valley. Thus the Digger Bend Area is excluded from the Alexander Valley Viticultural Area. The purpose of this report is to redefine the southern boundary of the Alexander Valley Viticultural Area so that the boundary will coincide with a more major and prominent topographic feature than the present boundary.

## Topographic Definition of the Southern End of the Alexander Valley including the Digger Bend Area

Figure 1 is a topographic profile drawn from Fitch Mountain north across the Digger Bend Area to Jimtown in the southern Alexander Valley. The line of the profile is shown as A-A' on Exhibit A. Although the line of this profile does not intersect the ridge north of Digger Bend at its highest point, the profile does illustrate the relatively insignificant nature of this ridge when compared to the elevation of the higher ridge to the south of Digger Bend of which Fitch Mountain is a major component. Thus it could be argued that, although the low ridge which separates the Digger Bend Area from Alexander Valley proper is actually the southern watershed boundary of Alexander Valley, it really is an insignificant feature when considering the basin as a whole and that a more logical southern boundary for the viticultural area would be the ridge to the south which includes Fitch Mountain. This more prominent topographic feature is 400 to 500 feet higher and exerts a much stronger control on the climate in the region than the lower ridge which is presently used as the boundary.

In considering the above discussion, I would suggest that a better southern boundary for the Alexander Valley Viticultural Area would be the one shown as the dashed line on Exhibit A. This proposed boundary takes into account not only the more prominent nature of the topographic divide containing Fitch Mountain and Black Peak but also the fact that areas outside the actual Alexander Valley watershed are already included in the viticultural area, for example the area along Highway 101 in the



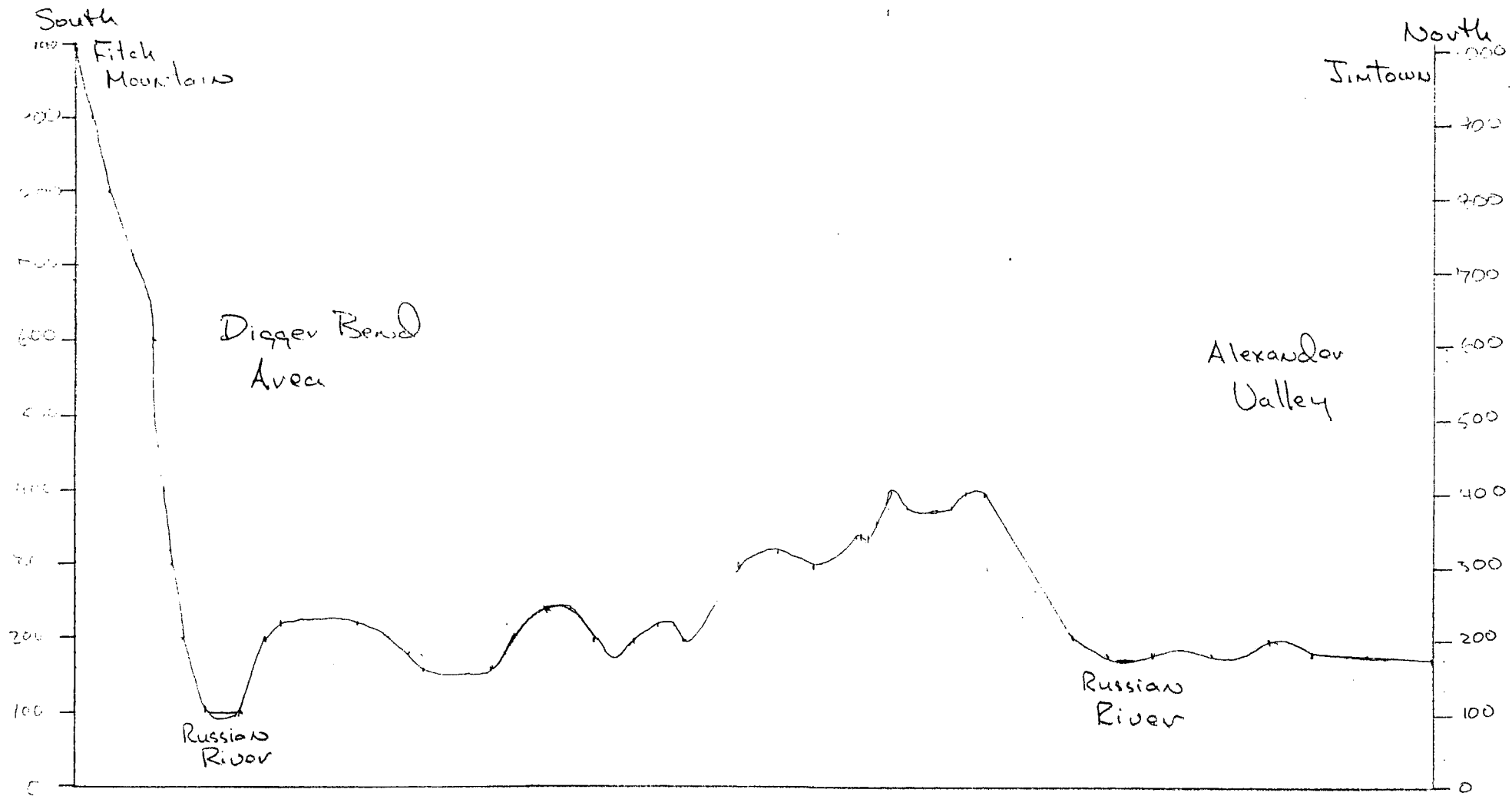


Figure 1: Topographic Profile From Fitch Mountains To Simitown  
(Vertical Exaggeration = 10:1)

southwestern corner of the defined viticultural area.

#### Description of the Proposed Southern Boundary

The boundary described below replaces descriptions 21 to 29 of the BATF boundary. The starting point is the intersection of an unnamed heavy-duty road known locally as Healdsburg Avenue and an unnamed light-duty road known locally as Chiquita Road (Description 20 on the BATF boundary) on the Jimtown topographic quadrangle map. The proposed boundary is shown as the dashed line on Exhibit A.

1. Then easterly approximately 4500 feet in a straight line through a point on a peak identified as having an elevation of 453 feet to the intersection of this line with the power line shown on the map.
2. Then generally southeasterly along the course of the power line to a point approximately 800 feet northwest of Fitch Mountain.
3. Then southeasterly approximately 800 feet in a straight line to the top of a peak identified as Fitch Mountain.
4. Then southeasterly approximately 8800 feet in a straight line to a peak identified as Black Peak.
5. Then southerly approximately 6500 feet in a straight line to a peak identified as having an elevation of 858 feet.
6. Then easterly approximately 3500 feet in a straight line to a peak identified as having an elevation of 672 feet.
7. Then east-northeasterly approximately 3400 feet in a straight line to a peak identified as having an elevation of 542 feet.
8. Then east-northeasterly approximately 10,000 feet in a straight line to a point lying at 38 degrees, 36 minutes, 20 seconds/122 degrees, 45 minutes, approximately the midpoint on the south line of Section 21, T.9N., R.8W., near the peak identified as Bell Mountain.

#### Discussion

The proposed boundary described above generally follows the major ridge which includes Fitch Mountain and Black Peak and is considerably higher in elevation than the existing boundary as defined by BATF. The boundary does not follow the exact watershed divide along this ridge but rather follows straight lines between easily identifiable points on the topographic maps. This practice was also used by BATF in drawing their boundaries.

#### Soil Similarities Between the Digger Bend Area and Alexander Valley

Miller (1972) has summarized the major soil types that occur in Sonoma County. The soils which occur in the Alexander Valley are characterized by the Yolo-Cortina-Pleasanton soil associations. The soils in the bottomlands of the Digger Bend Area are primarily of the Yolo Soil Series, similar to those in the same topographic positions in the Alexander Valley. Upland soils in the Digger Bend Area belong to the Josephine, Hugo, Clough, and Los Gatos Soil Series to name a few. All of these soils are found in similar topographic situations in the uplands of areas surrounding the Alexander Valley.

## Conclusions

1. The Digger Bend Area lies within a larger scale topographic basin which includes the basin generally called Alexander Valley. Even though the low ridge which separates the Digger Bend Area from the Alexander Valley is actually the southern watershed boundary of Alexander Valley, this ridge is an insignificant topographic divide when its generally low elevations are compared to the higher ridge to the south. The argument is a matter of scale. The southern boundary of the Alexander Valley Viticultural Area as proposed in this report generally follows the major ridge to the south, thus arguing that the Digger Bend Area is part of the larger topographic basin, even though it may not lie within the strict watershed boundaries of the Alexander Valley.
2. The Digger Bend Area has similar soil associations as those within the Alexander Valley Viticultural Area as it is presently defined.

## REFERENCES CITED

Miller, V.C., 1972, Soil Survey of Sonoma County, California, U.S. Department of Agriculture, Forest Service and Soil Conservation Service.