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### DEPARTMENT OF THE TREASURY

#### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[Notice No. 400]

#### Cole Ranch Viticultural Area, California

**AGENCY:** Bureau of Alcohol, Tobacco  
and Firearms, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF) is proposing the establishment of a viticultural area in Mendocino County, California, named "Cole Ranch." This proposal results from a petition by members of the grape-growing industry. The establishment of viticultural areas and their subsequent use as appellations of origin in wine labeling and advertising will allow wineries to better designate the specific grape-growing areas where their wines come from and will enable consumers to better identify the wines they purchase.

**DATE:** Comments must be received on or before March 4, 1982.

**ADDRESS:** Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044, (Notice No. 400).

**FOR FURTHER INFORMATION CONTACT:** Joan Deerwester, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7626).

**SUPPLEMENTARY INFORMATION:** On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas and the use of an approved viticultural area as an appellation of origin. Approved viticultural areas are listed in 27 CFR Part 9.

### Petition

ATF has received a petition requesting the establishment of an American Viticultural Area in California to be designated as "Cole Ranch."

Property in the proposed viticultural area, located in Mendocino County, was purchased by the Cole family in 1971 and vines were planted on the property in 1973. The grapes were first harvested in 1975, and sold as coming from "Cole Ranch." Currently, 61 acres are planted with Cabernet Sauvignon, Johannisberg Riesling, and Chardonnay grapes.

The proposed viticultural area is at an elevation of 1400 feet. The petitioner states that this makes Cole Ranch one of the highest viticultural areas in the north coastal area of California. The petitioner also claims that this elevation and the area's geographical location in a narrow coastal valley 25 miles from the Pacific Ocean gives the area a climate distinguishable from surrounding areas. The petitioner claims that the climate of the proposed area is generally cooler than that of other nearby vineyard areas. Based on the University of California at Davis heat summation system, the proposed area yields 2868 degree days over the growing season. This places the area in a heat summation Region II. The beginning and end of the growing season are markedly cooler in the proposed area than in surrounding areas. Also, the proposed area receives, on the average, approximately 40 to 45 inches of rain a year. Other areas east of the proposed area receive less rainfall. For instance, Ukiah receives approximately 32 inches of rain in an average year.

The boundaries of the proposed Cole Ranch viticultural area can be found on the U.S.G.S 7.5 minute quadrangle map of Elledge Peak, California. The boundaries are as follows:

1. The point of beginning is the intersection of contour line 1480 feet with the Boonville-Ukiah Cutoff Road in the southeast corner of section 13, T. 14N, R. 13W. Follow contour line 1480 feet southerly, then easterly, then northerly to its first intersection with the north line of section 19;
2. Proceed due west on the north line of section 19 until it intersects the Boonville-Ukiah Cutoff Road;
3. Proceed westerly on this road to the point of beginning.

As a result of this petition, ATF proposes the amendment of 27 CFR Part 9 by adding regulations establishing the Cole Ranch viticultural area.

### Executive Order 12291

It has been determined that these regulations are not a "major rule" within

the meaning of Executive Order 12291, 46 FR 13193 (1981), because will not have an annual effect on the economy of \$100 million or more; they will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and they will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this proposal because the notice of proposed rulemaking, if promulgated as a final rule, will not have a significant economic impact on a substantial number of small entities. The proposal is not expected to: Have significant secondary or incidental effects on a substantial number of small entities; or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. Available information indicates that this proposal, if promulgated as a final rule, would affect only one small entity.

### Public Participation

ATF requests comments from all interested persons. All comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action. Copies of the petition, the proposed regulations, the appropriate map, and any written comments are available for public inspection during normal business hours at the: ATF Reading Room, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, DC.

ATF particularly requests comments concerning possible alternative boundaries for the proposed area and comments concerning viticultural, geographical, and historical characteristics which may distinguish this area from surrounding areas, especially the area west of the proposed area.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be

included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request in writing to the Director within the 90 day comment period. The Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

**Drafting Information**

The principal author of this document is Candace E. Moberly, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

**Authority**

Under the authority contained in 27 U.S.C. 205, the Director proposes to amend 27 CFR Part 9 as follows:

**PART 9—AMERICAN VITICULTURAL AREAS**

1. The table of sections in 27 CFR Part 9, Subpart C is amended by adding an entry for § 9.42 to read as follows:

**Subpart C—Approved American Viticultural Areas**

Sec.	*	*	*	*	*
9.42	Cole Ranch.				
*	*	*	*	*	*

2. Subpart C is amended by the addition of § 9.42 to read as follows:

**Subpart C—Approved American Viticultural Areas**

*	*	*	*	*
§ 9.42	Cole Ranch.			

(a) *Name.* The name of the viticultural area described in this section is "Cole Ranch."

(b) *Approved map.* The approved map for the Cole Ranch viticultural area is a U.S.G.S. map. It is titled Elledge Peak Quadrangle California-Mendocino County 7.5 Minute Series (Topographic).

(c) *Boundaries.* The boundaries of the Cole Ranch viticultural area are located in the state of California and are as follows:

(1) The point of beginning is the intersection of contour line 1480 feet with the Boonville-Ukiah Cutoff Road in the southeast corner of section 13, T. 14N, R. 13W;

(2) The boundary follows contour line 1480 feet southerly, then easterly, then northerly to its first intersection with the north section line of Section 19. The boundary proceeds due west on the north section line of section 19 until it

intersects the Boonville-Ukiah Cutoff Road;

(3) The boundary follows this road westerly to the point of beginning.

Signed: September 3, 1981.

G. R. Dickerson,  
Director.

Approved: October 30, 1981.

John M. Walker, Jr.,  
Assistant Secretary (Enforcement and Operations).

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**27 CFR Part 9**

[Notice No. 399]

**Monticello Viticultural Area, Virginia**

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms [ATF] is considering the establishment of a viticultural area in the Charlottesville, Virginia, area to be known as "Monticello". This proposal is based upon a petition submitted by six industry members in the area. The establishment of viticultural areas and their subsequent use as appellations of origin in wine labeling and advertising will allow wineries to better designate the specific grape-growing areas where the wines come from and will enable the consumer to better identify the wines from this area.

**DATES:** Written comments must be received by March 4, 1982.

**ADDRESS:** Send written comments to: Chief, Regulations and Procedures Division Bureau of Alcohol, Tobacco and Firearms P.O. Box 385, Washington, D.C. 20044-0385 [Notice No. 399].

Copies of the petitions, the proposed regulations, the appropriate maps, and the written comments will be available for public inspection during normal business hours at the ATF Reading Room, Room 4405, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

**FOR FURTHER INFORMATION CONTACT:** Joan Deerwester, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW., Washington, D.C. 20226 (202-566-7626).

**SUPPLEMENTARY INFORMATION:**

**Background**

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR

Part 4. These regulations provide for the establishment of definite American viticultural areas and allow for their use as appellations of origin on wine labels and in wine advertisements. The American viticultural areas are listed in 27 CFR Part 9.

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include—

(a) Evidence that the name of the proposed viticultural area is locally and/or nationally known as referring to the area specified in the petition;

(b) Historical or current evidence that the boundaries of the viticultural area are as specified in the petition;

(c) Evidence relating to the geographical features (climate, soil, elevation, physical features, etc.) which distinguished the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on the features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale; and

(e) A copy of the appropriate U.S.G.S. map with the boundaries prominently marked.

**Petition**

ATF has received a petition proposing an area surrounding Charlottesville, Virginia, in Albemarle County with a tip of the area extending northeast into Orange County, as a viticultural area to be known as "Monticello". There are currently three operational bonded wineries and one applicant with permit pending in the proposed area. The proposed area covers approximately 303,360 acres. There are many vineyards in the area with an estimated 114 acres planted or proposed. Both hybrid and vinifera grapes are grown.

The petitioner claims that the proposed viticultural area is distinguished from surrounding areas by historical references, geographical features, climate and soil type. The petitioner bases his claims on the following:

a. Census reports have recorded the cultivation of grapevines. The 1900 census reported 240,864 grapevines.

b. There are historical references to the Monticello Wine Company in Charlottesville, whose wines had won medals in Europe between the years