

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 9

[T.D. ATF-161; Ref: Notice No. 432]

Establishment of Sonoma County Green Valley Viticultural Area

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

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule establishes a viticultural area in Sonoma County, California, to be known as "Green Valley" qualified by the words "Sonoma County." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of Sonoma County Green Valley as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate where their wines come from and will enable consumers to better identify the wines from this area.

EFFECTIVE DATE: December 21, 1983.

FOR FURTHER INFORMATION CONTACT: Robert L. White, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, (202-566-7531).

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 allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new Part 9 to 27 CFR, for the listing of approved American viticultural areas.

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.

Ms. Audrey M. Sterling, one of the partners of the Iron Horse Ranch and Vineyard, petitioned ATF to establish a viticultural area in Sonoma County, California, to be known as "Green Valley." The area lies west of the Santa Rosa plain and is located within Analy township. The area consists of about

32,000 acres of which approximately 800 acres are devoted to grapes. In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 432, in the *Federal Register* on November 15, 1982 (47 FR 51425), proposing the establishment of the Sonoma County Green Valley viticultural area.

Comments

Ten comments were received during the comment period. Eight were from wine industry members in the area. The remaining two comments were from residents in the area. All ten commenters objected to the establishment of the Sonoma County Green Valley viticultural area as it was proposed in Notice No. 432. Nine of the commenters stated that the area east of State Highway 116 (the Trenton, Vine Hill area) should not be included in the proposed viticultural area because the climate is warmer, thereby creating significantly different grape-growing conditions. Three of the commenters stated that the area is not locally known as Green Valley and that a "Green Valley" designation would have no significance. Two of the commenters stated that the proposed viticultural area might possibly need to be expanded to the area south of State Highway 12 since this area is similar to the proposed area. And finally, eight out of the ten commenters stated that a public hearing should be held to allow persons in the area the opportunity to provide information which might prove beneficial in determining the most accurate boundaries for the Sonoma County Green Valley viticultural area.

In regard to the area east of State Highway 116, ATF has determined that this area is significantly different from the rest of the area and therefore should be excluded from the Sonoma County Green Valley viticultural area. Consequently, the boundaries have been changed to exclude this area from the Sonoma County Green Valley viticultural area.

In regard to whether the area is locally known as Green Valley, ATF feels that the petitioner provided ample evidence to support her contention that the area has historically been known as Green Valley. Also, one of the U.S.G.S. 7.5 minute series maps of the area entitled "Camp Meeker Quadrangle" (1954, photorevised 1971) shows that the name "Green Valley" is frequently used throughout the area.

In response to the request by two of the commenters to consider extending the southern boundary of the viticultural area to include some of the area south of State Highway 12, ATF has been waiting for the results of microclimate studies

being conducted in this area by the Cooperative Extension of the University of California, Sonoma County. These studies have recently been completed according to Mr. Robert L. Sisson, County Director/Farm Advisor, Sonoma County. Mr. Sisson stated that his studies included three locations which were slightly south of Bodega Highway and about three to four miles west of Sebastopol. All three locations were found to have accumulated degree-day totals that would identify them as Region I locations according to the definitions and procedures used by Winkler and Amerine. In addition, Mr. Sisson stated that all three locations were found to be adequately "coastal cool" in nature and very similar to the kind of climate which is found in the area between Sebastopol, Forestville, and Occidental. As a result of this new information, ATF has decided to extend the southern boundary of the Sonoma County Green Valley viticultural area to include some of the area south of State Highway 12 (Bodega Highway):

And finally, in regard to the eight commenters who requested public hearings in order to enable more accurate boundaries to be determined, ATF feels that almost all of the objections to the boundaries have been overcome. The petitioner has been in contact with most of the commenters who objected to the boundaries of the area. After considering their complaints, the petitioner submitted an amended boundary which excluded all the land east of State Highway 116. In addition, this amended boundary added some land in both the northern and southern portions of the proposed area. These changes made by the petitioner should resolve all of the complaints submitted by members of the local wine industry concerning the boundaries of this area.

Evidence Relating to the Name

The petitioner initially requested that the name "Green Valley" be used to designate this proposed viticultural area in Sonoma County, California. The petitioner provided information showing that Green Valley is on a creek of the same name which flows north into the Russian River and lies west of the Santa Rosa plain. Various 19th and early 20th Century atlases and histories of Sonoma County document that fruit has been grown in Green Valley since the area was settled during the latter half of the 19th Century. In the 1911 *History of Sonoma County*, the author notes the existence of wineries in Green Valley at Forestville, Graton, and Sebastopol.

The use of the name "Green Valley," however, would be misleading in this

case if used without a qualifying term because there is already an approved viticultural area in Solano County named Green Valley. The Green Valley viticultural area in Solano County was approved with the condition that the words "Solano County" appear in direct conjunction with the "Green Valley" name on the wine label. Consequently, AFT feels that a viticultural area in Sonoma County named "Green Valley" should also have the qualification that the words "Sonoma County" must appear in direct conjunction with the "Green Valley" name on the wine label. Labeling the wines in this way will help distinguish between the two Green Valleys and will help avoid consumer confusion. To allow for flexibility in label design, the words "Sonoma County" can be reduced in type size to the minimum allowed in 27 CFR 4.38(b).

Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2), the viticultural area should possess geographical features which distinguish the viticultural features of the area from surrounding areas.

The petition and attached documents contain substantial information which show that the Sonoma County Green Valley viticultural area, as delineated in this final rule, is distinguished from surrounding areas by its cool climate, predominant soil type, and unique geographical characteristics. These distinguishing characteristics are as follows:

(a) The climate of this area, especially the northern end of it, is far different from that of the coast. The range of mountains lying along its western border helps to moderate the fury of any ocean blast which sweeps up from the sea.

(b) In general, the Green Valley area has been established as a Region I growing area as classified by the University of California at Davis system of heat summation by degree-days. Green Valley lies within the "coastal cool" area climate in contrast to the Alexander Valley area to the north which lies within the "coastal warm" area climate.

(c) The climate and soil throughout the area are conducive to growing cool weather varieties such as Pinot Noir and Chardonnay. The longer growing season resulting from the cool nights and early morning fog permits picking mature fruit at lower sugar levels and the maintenance of higher acid levels. On the slopes of the hills in Green Valley that provide enough sunlight, there can also be grown fully ripe Cabernet Sauvignon and Zinfandel. These varieties are typically harvested

substantially later in Green Valley than in the warmer areas of Sonoma County.

(d) The distinctive soil of the Green Valley area is mostly Goldridge fine sandy loam. The predominately Goldridge soil and the generally hilly terrain provides good drainage.

(e) The water from Green Valley Creek and other neighboring creeks in the Green Valley area provides the source for frost protection which is usually essential for successful viticultural activities in a Region I zone.

After evaluating the petition for the Sonoma County Green Valley viticultural area and after evaluating the comments received in response to the notice of proposed rulemaking concerning this petition, ATF has determined that the Sonoma County Green Valley viticultural area, as delineated in this final rule, is distinguishable from the surrounding areas.

Boundaries

The boundaries proposed by ATF in the notice of proposed rulemaking have been amended in this final rule due to the comments received from wine industry members in the area. The size of the area has been reduced from about 36,467 acres to approximately 32,000 acres. An exact description of the boundaries is discussed in the regulations portion of this document. ATF believes that these boundaries delineate an area with distinguishable geographic and climatic features.

Miscellaneous

ATF does not wish to give the impression by approving the Sonoma County Green Valley viticultural area that it is approving or endorsing the quality of the wine from this area. ATF is approving this area as being distinct from surrounding areas, not better than other areas. By approving the area, wine producers are allowed to claim a distinction on labels and advertisements as to origin of the grapes. Any commercial advantage gained can only come from consumer acceptance of Sonoma County Green Valley wines.

Executive Order 12291

It has been determined that this final regulation is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of \$100 million or more; it 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 it will not have a significant adverse effects on competition, employment,

investment, productivity, innovation, or on the ability of 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 final rule because the final rule will not have significant economic impact on a substantial number of small entities. The final rule will not impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities. The final rule is not expected to have significant secondary or incidental effects on a substantial number of small entities.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1980, Pub. L. 96-511, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR Part 1320, do not apply to this final rule because no requirement to collect information is imposed.

Disclosure

A copy of the petition and comments, along with the appropriate maps with the boundaries marked, are available for inspection during normal business hours at the following location: ATF Reading Room, Room 4407, Office of Public Affairs and Disclosure, 12th and Pennsylvania Avenue, NW, Washington, D.C.

Drafting Information

The principal author of this document is Robert L. White, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 9

Administrative practice and procedure, Consumer protection, Viticultural areas, Wine.

Authority and Issuance

Accordingly, under the authority contained in section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended; 27 U.S.C. 205), 27 CFR Part 9 is amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.57 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
9.57 Sonoma County Green Valley.
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Par. 2. Subpart C is amended by adding § 9.57 to read as follows:

Subpart C—Approved American Viticultural Areas

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§ 9.57 Sonoma County Green Valley:

(a) *Name.* The name of the viticultural area described in this section is "Green Valley" qualified by the words "Sonoma County" in direct conjunction with the name "Green Valley." On a label the words "Sonoma County" may be reduced in type size to the minimum allowed in 27 CFR 4.38(b).

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Green Valley viticultural area are three U.S.G.S. maps. They are titled:

- (1) "Sebastopol Quadrangle, California—Sonoma Co.", 7.5 minute series (1954, photorevised 1980);
- (2) "Camp Meeker Quadrangle, California—Sonoma Co.", 7.5 minute series (1954, photorevised 1971); and
- (3) "Guerneville Quadrangle, California—Sonoma Co.", 7.5 minute series (1955).

(c) *Boundaries.* The Green Valley viticultural area is located in Sonoma County, California. The beginning point is located in the northeastern portion of the "Camp Meeker Quadrangle" map where the line separating Section 31 from section 32, in Township 8 North (T.8N.), Range 9 West (R.9W.) intersects River Road.

(1) From the beginning point, the boundary runs south along the line separating Section 31 from Section 32, continuing south along Covey Road (shown on the map as an unnamed, light-duty road) to the town of Forestville where Covey Road intersects with State Highway 116 (Gravenstein Highway).

(2) Thence east along State Highway 116 until it turns in a southeasterly direction and then proceeding along State Highway 116 in a southeasterly direction until the point at which State Highway 116 intersects State Highway 12 in the town of Sebastopol (located on the "Sebastopol Quadrangle" map);

(3) Thence in a southwesterly direction on State Highway 12 through the town of Sebastopol;

(4) Thence in a westerly direction on State Highway 12, which becomes Bodega Road, until Bodega Road intersects with Pleasant Hill Road;

(5) Thence in a southerly direction on Pleasant Hill Road until it intersects with Water Trough Road;

(6) Thence westerly and then northwesterly on Water Trough Road until it intersects with Gold Ridge Road;

(7) Thence in a southwesterly, northwesterly, and then a northeasterly direction along Gold Ridge Road until it intersects with Bodega Road;

(8) Thence in a southwesterly direction along Bodega Road until Bodega Road intersects with Jonive Road in Township 6 North (T.6N.), Range 9 West (R.9W.) located in the southeast portion of U.S.G.S. map "Camp Meeker Quadrangle";

(9) Thence proceeding in a northwesterly direction on Jonive Road until it intersects Occidental Road;

(10) Thence proceeding on Occidental Road in a northwesterly direction until Occidental Road intersects the west border of Section 35;

(11) Thence proceeding due north along the west borders of Sections 35, 26, 23, and 14 to the northwest corner of Section 14;

(12) Thence in an easterly direction along the north border of Section 14 to the northeast corner of Section 14;

(13) Thence north along the west borders of Sections 12, 1, and 36 to the northwest corner of Section 36 located in the extreme southern portion of the "Guerneville Quadrangle" map;

(14) Thence in an easterly direction along the north border of Section 36 until it intersects with River Road;

(15) Thence in a southeasterly direction along River Road to the point of beginning located on the "Camp Meeker Quadrangle" map.

Signed: October 17, 1983.

Stephen F. Higgins,
Director.

Approved: November 9, 1983.

David Q. Bates,
Deputy Assistant Secretary (Operations).
[FR Doc. 83-31281 Filed 11-18-83; 8:45 am]
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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

29 CFR Part 1601

706 Agencies; Handling of Employment Discrimination Charges

AGENCY: Equal Employment Opportunity Commission.

ACTION: Final rule.

SUMMARY: The Equal Employment Opportunity Commission amends its regulations designating certain State

and local fair employment practices agencies (706 Agencies) so that they may handle employment discrimination charges, within their jurisdictions, filed with the Commission. Publication of this amendment effectuates the designation of the New Haven, Connecticut Commission on Equal Opportunities as a 706 Agency.

EFFECTIVE DATE: November 21, 1983.

FOR FURTHER INFORMATION CONTACT: Hollis Larkins, Equal Employment Opportunity Commission, Office of Program Operations, Special Services Staff, 2401 E Street, NW., Washington, D.C. 20507, telephone 202/634-6806.

SUPPLEMENTARY INFORMATION:

List of Subjects in 29 CFR Part 1601

Administrative practice and procedure, Equal employment opportunity, Intergovernmental relations.

PART 1601—PROCEDURAL REGULATIONS

Accordingly, Title 29, Chapter XIV of the Code of Federal Regulations, 29 CFR 1601.74(a) is amended by adding in alphabetical order the following agency:

§ 1601.74 Designated and notice agencies.

(a) * * * New Haven, Connecticut Commission on Equal Opportunities.

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(Sec. 713(a) 78 Stat. 265 (42 U.S.C. 2000e 12(a)))

Signed at Washington, D.C. this 9th day of November, 1983.

For the Commission.

Odessa M. Shannon,
Director, Office of Program Operations.

[FR Doc. 83-31280 Filed 11-18-83; 8:45 am]

BILLING CODE 6570-06-M

DEPARTMENT OF EDUCATION

34 CFR Part 222

Assistance for Local Educational Agencies in Areas Affected by Federal Activities and Arrangements for Education of Children Where Local Educational Agencies Cannot Provide Suitable Free Public Education

AGENCY: Department of Education.

ACTION: Final regulations.

SUMMARY: This document makes a technical amendment to the regulations governing the administration of the Impact Aid program authorized by Pub. L. 81-874. It deletes the closing date in the regulations for the filing of an application under Section 3(d)(2)(B) and several other sections of Pub. L. 81-874.