

DEPARTMENT OF THE TREASURY**Bureau of Alcohol, Tobacco and Firearms****27 CFR Part 9****[Notice No. 360]****Santa Maria Valley, Santa Cruz Mountains, Los Carneros, Sonoma Valley, and North Coast Viticultural Areas.****AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of five viticultural area in California named "Santa Maria Valley," "Santa Cruz Mountains," "Los Carneros," "Sonoma Valley," and "North Coast." This proposal is the result of petitions submitted by members of the grape-growing industry. ATF feels that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin will help consumers of wine to identify better the wines which they may purchase.

DATE: Comments must be received by February 13, 1981.

ADDRESS: Send written comments to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, D.C. 20044 (Notice No. 360).

Copies of the petitions and written comments are available for public inspection during normal business hours at the: ATF Reading Room, Room 4407, Federal Building, 12th and Pennsylvania Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Thomas L. Minton, Research and Regulations Branch (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 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. Approved 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 procedures 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 distinguish the viticultural features of the proposed area from surrounding areas;

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

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

Proposed Regulations

This notice of proposed rulemaking is intended to solicit comments from interested parties concerning the possible establishment of these five viticultural areas. While ATF feels that the evidence submitted in the petitions concerning these areas may warrant this proposal, it is not convinced that the areas should be approved or where any particular boundaries should be drawn. Therefore, ATF is not proposing any specific regulatory language. However, on the basis of written comments received in response to this notice, testimony received at future public hearings, and its own research, ATF may issue a final rule establishing any of these proposed areas without further notice.

Santa Maria Valley

The proposed Santa Maria Valley viticultural area is located in portions of Santa Barbara and San Luis Obispo Counties, California. The proposed area consists of approximately 80,000 acres within the watershed of the Santa Maria River and includes portions of primary tributary valleys of the Cuyama River, Sisquoc River and Suey Creek to the north, Tepesquet Creek to the east, and Bradley Canyon to the south.

The petitioners state that the soils within the area are well-drained sandy and clay loams. The elevation of the proposed area ranges from 200 feet to over 2,000 feet above sea level. The petitioner also states that while a few micro-climatic regions exist within the proposed area, the areas suitable for grape production generally exhibit the climatic characteristics of Region II.

The petitioners describe the proposed boundary of the Santa Maria Valley viticultural area as follows:

Beginning at the intersection of

Highway 101 and Gary-Orcut Road, in Santa Barbara County, the boundary runs in a northerly direction along Highway 101, across the Santa Maria River for approximately 13½ miles to Los Berros Canyon Creek (elevation 200 feet). The boundary then runs northeasterly along the north bank of Los Berros Creek, then easterly and southeast to Suey Creek (elevation 1,000 feet). From Suey Creek the boundary runs southeast to a point of intersection with the San Luis Obispo County-Santa Barbara County line. The boundary then runs northeasterly along the county line to Chimney Canyon. The boundary then runs down Chimney Canyon across the Cuyama River to Suey Canyon, east of Las Coches Mountain. Then the boundary runs down the natural contour of Suey Canyon to Tepusquet Creek and subsequently down Tepusquet Canyon (elevation 1,000 feet) to the intersection of Tepusquet Canyon and the 800-foot contour line on the northern slope of the Santa Maria Valley. The boundary then runs easterly along the 800-foot contour line across the Sisquoc River and then westerly along the 800-foot contour line of the southern slope of the Santa Maria Valley to the Sisquoc Ranch Headquarters (elevation 600 feet). The boundary then runs along the 600-foot contour line to the unincorporated community of Sisquoc (elevation approximately 500 feet). From Sisquoc, the boundary runs westerly 3 miles along the southern edge of the valley to Gary-Orcut Road, then 4 miles west along Gary-Orcut Road to the beginning point on Highway 101.

Santa Cruz Mountains

The proposed Santa Cruz Mountains viticultural area is located in portions of San Mateo, Santa Clara and Santa Cruz Counties, California.

The petitioners state that the proposed area is distinguished from surrounding areas by its generally cooler climate, shorter growing season, and shallow, less fertile soils. The petitioners describe the proposed boundaries of the Santa Cruz Mountains viticultural area as follows:

Beginning at the summit of Highway 92 in San Mateo County, the boundary runs northeast to the 400-foot contour line. The boundary then travels southeast from the 400-foot contour line to Canada Road. The boundary then travels along Canada Road to Interstate 280, then along Interstate 280 to Highway 84 (Woodside Road). The boundary then runs southwest along Highway 84 to Mountain Home Road, then along Mountain Home Road to Portola Road, then southwest along Portola Road to Highway 84. The boundary then runs west on Highway 84

to the 600-foot contour line. The boundary then runs in a southeasterly direction along the 600-foot contour line to Pierce Road, then along Pierce Road to the 800-foot contour line, then along the 800-foot contour line in a southeasterly direction to Highway 152. The boundary then runs along Highway 152 in a southwesterly direction over the summit and down to the 400-foot contour line on the west side of the Santa Cruz Mountains. The boundary then runs along the 400-foot contour line in a northerly direction to Felton Empire Road. The boundary then runs along Felton Empire Road and northeast to Highway 9, then south along Highway 9 to Bull Creek, then southwest along Bull Creek to the 400-foot contour line. The boundary continues in a northwesterly manner along the 400-foot contour line to Highway 92, then northeast along Highway 92 to the beginning point.

Los Carneros

The proposed Los Carneros viticultural area is located in Napa County, California. The petitioner states that the proposed area is more suited to early-ripening grape varieties than the surrounding areas because of its generally cooler climate. The petitioner also states that the soils in the proposed area are primarily of the Haire-Coombs soil type rather than the Bale-Cole-Yolo soil types generally encountered in surrounding areas.

The petitioner describes the proposed boundary of the Los Carneros viticultural area as follows:

Beginning at the junction of the Napa County-Sonoma County line and the Napa County-Solano County line, the proposed western boundary runs north along the Napa County-Sonoma County line to the township line T.6.N./T.5.N. The northern boundary of the proposed area runs east along this township line to Browns Valley Creek. The northern boundary then follows Browns Valley Creek eastward to Napa Creek. The boundary then follows Napa Creek to the Napa River. The proposed eastern boundary would run along the Napa River to the Napa County-Solano County line. The proposed southern boundary would run along the Napa County-Solano County line from the Napa River to the beginning point.

Sonoma Valley

The proposed Sonoma Valley viticultural area is located in the southeastern portion of Sonoma County, California, and a small portion of Napa County, California. The petitioner states that the proposed area is unique in soil composition and climate. The petitioner

also states that the proposed area is the driest area in Sonoma County. The petitioner states that the area's location and surrounding mountains protect it from the intense heat of California's Central Valley and from the fog intrusion which affects the climate of the Santa Rosa-Petaluma Valley and Plains area. The petitioner describes the proposed boundaries as follows:

Beginning at the junction of Tolay Creek and San Pablo Bay, the boundary runs north along Tolay Creek to the junction of Tolay Creek and Highway 37. The boundary then runs west along Highway 37 to its junction with Highway 121. From this junction the boundary runs in a straight line to the peak of Wildcat Mountain and then in a straight line to a peak of Sonoma mountain (elevation 2,271 feet). From there, the boundary runs in a straight line to the peak of Taylor Mountain. From the peak of Taylor Mountain the boundary runs straight in a northeasterly direction to the point at which Los Alamos Road joins Highway 12. The boundary then runs easterly in a straight line to the peak of Buzzard Peak, then easterly in a straight line to the peak of Mount Hood. The boundary then runs easterly in a straight line to an unnamed peak located on the Sonoma County-Napa County line and identified as having an elevation of 2,530 feet. This unnamed peak is located in the northeast quarter of Section 9, Township 7 North, Range 6 West, Mt. Diablo Base and Meridian. The boundary then runs southeasterly along the Sonoma County-Napa County line to Los Amigos Road. The boundary then runs east along Los Amigos Road to its junction with Duhig Road, then south along Duhig Road to Ramal Road. The boundary then runs west along Ramal Road to the Sonoma County-Napa County line, then in a southwesterly direction along the county line to the point at which Sonoma Creek enters San Pablo Bay. The boundary then runs southwesterly along the shore of San Pablo Bay to the beginning point.

North Coast

The petitioner proposes that this viticultural area be known by two names, "North Coast" and "North Coast Counties." ATF has decided that in order to avoid consumer confusion and misleading labeling practices, a single defined viticultural area may have only one name. Also, ATF will not allow the use of the words "county" or "counties" in a viticultural area appellation. Since county and multi-county appellations of origin must contain the words "county" or "counties" and viticultural areas are intended to be distinct from political subdivisions, such as counties, ATF has

decided that the use of these words in a viticultural area appellation of origin would be inappropriate and misleading. Therefore, ATF is proposing only the name "North Coast" for this area.

The proposed North Coast viticultural area is comprised of the entire Mendocino, Sonoma, and Napa Counties, California. The petitioner states that the proposed North Coast viticultural area is distinguished from surrounding areas by soil, a unique combination of rainfall and temperature during the growing season, diurnal and nocturnal extremes, morning fogs, and the lowering of the water table during the ripening weeks.

The petitioner states that the boundaries of the proposed area are the statute boundaries of the counties of Napa, Sonoma, and Mendocino.

Public Participation

ATF requests comments from all interested persons concerning these proposed viticultural areas. ATF particularly requests comments concerning possible alternative boundaries for these proposed areas and comments concerning viticultural and geographical characteristics which may distinguish these areas from surrounding areas.

The proposed North Coast viticultural area includes the Sonoma Valley, Los Carneros, and previously proposed Napa Valley viticultural areas (ATF Notice No. 337 [45 FR 17026] March 17, 1980). In addition, the portion of the proposed Sonoma Valley area bounded by Los Amigos, Duhig, and Ramal Roads is located within the proposed Napa Valley Viticultural area. ATF believes that viticultural areas may be located wholly within another viticultural area if each individual area is supported by the evidence required in 27 CFR 4.25a(e)(2). While ATF was initially opposed to overlapping areas where only a portion of each area was located within the other, ATF now feels that this issue of overlapping areas should be opened for public comment. For this reason, ATF is interested in receiving any information, data, or opinions concerning those areas which are located in more than one proposed viticultural area. Further, ATF is especially interested in receiving comments on the general issue of allowing viticultural areas to overlap.

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.

All comments and the names of persons submitting comments are

available 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 comments.

Public hearings concerning these proposed viticultural areas will be scheduled at a later date and will be announced in a later notice.

Drafting Information

The principal author of this document is Thomas L. Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

These viticultural areas are proposed under the authority in 27 U.S.C. 205.

Signed: October 1, 1980.

G. R. Dickerson,
Director.

Approved: December 5, 1980.

Richard J. Davis,
Assistant Secretary (Enforcement and Operations).

[FR Doc. 80-38683; Filed 12-12-80; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 361; Re: Notice Nos. 350-354, 356 and 360]

Viticultural Area Hearings—

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

ACTION: Notice of hearings.

SUMMARY: This notice announces the times and places the Bureau of Alcohol, Tobacco and Firearms (ATF) will hold ten public hearings to receive comments relating to the establishment of ten proposed viticultural areas. The proposed viticultural areas are North Coast, Sonoma Valley, Los Carneros, Guenoc Valley, Santa Cruz Mountains, Lime Kiln Valley, Santa Maria Valley, and San Pasqual Valley in California, Fennville in Michigan, and Finger Lakes in New York. ATF will hear testimony relating to a particular viticultural area at each particular hearing.

DATES: Hearing dates—

- (1) North Coast—January 12, 1981, at 9:30 a.m.
- (2) Sonoma Valley—January 13, 1981, at 9:30 a.m.
- (3) Los Carneros—January 14, 1981, at 9:30 a.m.
- (4) Guenoc Valley—January 15, 1981, at 9:30 a.m.
- (5) Santa Cruz Mountains—January 19, 1981, at 9:30 a.m.
- (6) Lime Kiln Valley—January 21, 1981, at 9:30 a.m.
- (7) Santa Maria Valley—January 23, 1981, at 9:30 a.m.

(8) San Pasqual Valley—January 26, 1981, at 9:30 a.m.

(9) Fennville—February 3, 1981, at 10:00 a.m.

(10) Finger Lakes—February 11, 1981, at 10:00 a.m.

(Evening sessions for each hearing will be held if necessary beginning at 7:00 p.m.)

Requests to comment—Requests to comment at these hearings must be received no later than 10 days before the scheduled date of the appropriate hearing.

ADDRESSES: Send requests to comment to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044.

Copies of the petitions; the notices of proposed rulemaking, the hearing transcripts, and any written comments concerning these proposed viticultural areas will be available for public inspection during normal business hours at the: ATF Reading Room, Federal Building, Room 4407, 12th and Pennsylvania Avenue, N.W., Washington, DC.

Hearing Locations—

(1) North Coast, Sonoma Valley, Los Carneros, Guenoc Valley—Federal Building, 777 Sonoma Avenue, Room 113C, Santa Rosa, California.

(2) Santa Cruz Mountains—City Hall, City of Santa Clara, 1500 Warburton Avenue, Santa Clara, California.

(3) Lime Kiln Valley—County of San Benito Court House, Room 204, 5th and Martinez Streets, Hollister, California.

(4) Santa Maria Valley—Council Chambers, City of Santa Maria, 110 East Cook Street, Santa Maria, California.

(5) San Pasqual Valley—The Chamber of Commerce, 720 North Broadway, Escondido, California.

(6) Fennville—Douglas Village Hall, 86 Center Street (Corner of Center and Union Streets), Douglas, Michigan.

(7) Finger Lakes—New York Agricultural Experimental Station, Jordan Hall, 2nd Floor, 630 W. North Street, Geneva, New York.

FOR FURTHER INFORMATION CONTACT: Thomas Minton, Norman Blake, or Roger Bowling, Research and Regulations Branch, (202-566-7626).

SUPPLEMENTARY INFORMATION: On October 27, 1980, November 6, 1980, and elsewhere in this issue, ATF issued six notices of proposed rulemaking in the Federal Register to obtain comment on these ten proposed viticultural areas (45 FR 70914, 45 FR 73694), also elsewhere in this issue.

ATF believes that public hearings are essential in order to obtain and evaluate all possible information concerning these proposed viticultural areas. Persons desiring to testify should submit

a written request containing the name, address, and telephone number of the individual who will testify. They should indicate in their request *which hearing they would like to attend* and the time of day they would like to comment. To the extent possible, ATF will honor these preferences. Persons asking to comment should include in their request an outline of the topics on which they will speak. Oral comment will be limited to 10 minutes per speaker, but additional time may be granted for answering questions. Persons asking to comment should be prepared to respond to questions concerning their comments, their topic outline, or any matter relating to written comments they may have submitted.

Persons not scheduled to comment may be allowed to comment at the conclusion of each hearing if time permits.

ATF will notify all persons asking to comment and will confirm the date and time. An agenda listing the speakers will be available at each hearing.

Written comments relating to these proposed viticultural areas will be available at each hearing for public inspection. Each hearing will be conducted under the procedural rules in 27 CFR 71.41(a)(3).

ATF specifically requests comments and suggestions concerning—

(a) Evidence that the names of the proposed viticultural areas are locally and/or nationally known as referring to the areas specified in the petitions;

(b) Historical or current evidence supporting the proposed boundaries of the viticultural areas as specified in the petitions; and

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

Evidence obtained at the hearings along with the written comments received in response to the notices of proposed rulemaking will be used to determine whether to issue final regulations establishing any of these viticultural areas as proposed.

Drafting Information

The principal author of this document is Thomas Minton, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

This notice of hearing is issued under the authority contained in 27 U.S.C. 205.

Signed: November 26, 1980.

G. R. Dickerson,
Director.

[FR Doc. 80-38684 Filed 12-12-80; 8:45 am]

BILLING CODE 4810-31-M