

BEFORE THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

STAGS LEAP DISTRICT VITICULTURAL AREA

PUBLIC HEARING

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FTG'S
COPY

Volume III

December 2, 1987, 2:00 p.m.

Veterans Home of California

Veterans Home Station

Yountville, CA

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PANEL:

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CSR NO. 2556

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Abruzzini - Chenin Blanc

1 AFTERNOON SESSION

2 (2:00 p.m.)

3
4
5 MR. DRAKE: I would ask that you try to stick with
6 the 10-minute time frame, if possible. Also, at the
7 conclusion, both Mr. Mendelson and Mr. Hillman have asked
8 to make concluding remarks. Since Mr. Mendelson
9 represents the proposing operation, I will let you be
10 last. Mr. Hillman will go right before you at the end.

11 Gerald and Mimi Simonson. You are both?

12 MRS. SIMONSON: My name is Mimi Simonson. I live
13 at 6300 Silverado Trail with my husband, Gerald. He
14 wanted to be here today, but he had to work. Somebody
15 had to be here.

16 ~~We have lived at our ranch on Silverado Trail~~
17 almost ten years and have always identified Stags Leap
18 by what our neighbors called the striking geographical
19 promontory with its canyon and waterfall. The legend
20 that was told to us by longtime valley residents was that
21 Stags Leap got its name from a stag escaping a hunter by
22 leaping over the canyon at the promontory. Many area
23 maps locate the promontory as the focal point of Stags
24 Leap.

25 If you swing an arc from the focal point, our land

1 is 1-1/2 miles from this promontory. Increase the arc to
2 two miles, and it encompasses the land to the Yountville
3 Cross Road and to the river. The proposed southern
4 boundary is 2-1/2 miles from the Stags Leap promontory.
5 With our close proximity, why were we not included?

6 In one of the proposed appellation boundaries, the
7 boundary line cut through our vineyard. When we
8 requested to include all our land within the boundary, we
9 were excluded rather than included, which to us appears
10 very inconsistent.

11 Beginning at Stags Leap promontory and extending
12 to the river on a downslope, there are several soil
13 types. Keefers Gravely Loam predominates on the upper
14 slope areas and around the hills. Our vineyard soils are
15 consistent with the other vineyards within the proposed
16 boundaries in soil type and microclimate.

17 The effect of the wind is an important factor on
18 our land and, thus, because of this we oriented our
19 vineyard rows north and south. Being situated as we are
20 between the hills, the wind has a venturi effect; and
21 we believe that this is one reason that we have not had
22 problems with frost in our vineyard.

23 Our vineyard is young and has produced Chardonnay
24 grapes under contract to Inglenook-Napa Valley for three
25 years. The grapes have been delivered to the winery,

1 meeting their specifications in acid, pH and sugar. The
2 winery has always viewed our grapes as top quality grapes
3 coming from the Stags Leap area.

4 In conclusion, we believe that the northern
5 boundary of the proposed Stags Leap Agricultural District
6 should be the Yountville Cross Road.

7 MR. DRAKE: Mrs. Simonson, did you say that the
8 proposed line withdrew your vineyard?

9 MRS. SIMONSON: It was part of our vineyard. It
10 was included in it.

11 MR. DRAKE: It was included?

12 MRS. SIMONSON: Yes. I think you have that in
13 your paperwork.

14 MR. DRAKE: All right.

15 MR. LIBERTUCCI: In closing, you said that someone
16 had referred to your grapes as having high quality,
17 coming from the Stags Leap area.

18 MRS. SIMONSON: This is Inglenook, and that's just
19 a general. I'm not saying that as the Stags Leap area.
20 It was an area that you could denote as that side of the
21 valley. It always has been referred to as that.

22 MR. LIBERTUCCI: Is this referred to in any type
23 of correspondence?

24 MRS. SIMONSON: No.

25 MR. LIBERTUCCI: Okay. That's all the questions.

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MR. GAHAGAN: The inspection weigh tags, they didn't show Stags Leap?

MRS. SIMONSON: No.

MR. GAHAGAN: What appellation was used on the wine?

MRS. SIMONSON: Napa Valley.

MR. DRAKE: Thank you.

*Bud
Dulinsky*

Bud Dulinsky.

MR. DULINSKY: My name is George L. "Bud" Dulinsky. I was born in San Francisco in 1927 and moved to the valley two years later. I have lived in Napa Valley ever since. I now live in the town of Yountville, but spent my school years in several different homes. Two different homes, actually, on the Silverado Trail on the appellation area we're talking about now. One of them is where Mrs. Simonson lives now, and one is just below that.

I have been a member of the Native Sons of the Golden West since 1953. It is a fraternal organization which prides itself on the study of local and statewide California history. I have served as our parlor president and in many other capacities. My long association with the Native Sons and the years I have lived in Yountville have taught me much about our local history.

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1 I have been an earth-moving and backhoe owner/
2 operator in the Napa Valley since 1950 and have dug test
3 pits, septic systems, drainage systems, foundations,
4 trenching and other earth-moving services on almost, if
5 not every, property in the proposed Stags Leap district
6 and its northern extension, as well as the surrounding
7 areas.

8 Living and working in this area through the years
9 has given me a chance to speak to the farmers, as well as
10 work the lands firsthand and develop an understanding of
11 the differences between properties and between the areas.
12 The area south of the Yountville Cross Road, the
13 northern extension, as well as the northern portion of
14 the proposed district has been in grapes and similar
15 crops since the 19th century.

16 I often discussed the farming of these lands with
17 Andrew Fagiani. He and his family worked some 20 farms
18 in the area at the turn of the century and beyond,
19 including the vineyards that now belong to Stan Anderson
20 and Richard Chambers.

21 There was a sense of community among the early
22 grape growers and wine makers in what is now the proposed
23 district and northern extension. The Yountville Cross
24 Road bridge was not yet in, and one of the only wineries
25 of any size in the area was the Occidental Winery, first

Occidental Winery
owned 1st by Briggs
then by Regnsci 5

1 owned by the Grigsbys and later the Regussis.

2 The grapes grown in the early community south of
3 the Yountville Crosss Road, except the small amount that
4 went into the home wines, must have been sold to the
5 Occidental. The Occidental Winery was the easiest to
6 haul to, as there was no bridge to the rail line in
7 Yountville; and it was far easier to sell to your willing
8 neighbor than it was to haul the grapes by wagon to the
9 far north nor south. North is uphill and south is
10 downhill.

11 I attended the hearing yesterday and was very
12 interested to listen to the testimony of Ms. Elliot-Fisk
13 and see the photographs that she had taken. The
14 photographs of the large, sharp rocks on State Lane that
15 she used to talk about a rector fan were placed there by
16 man in the last 10 to 20 years, in fact, the last five
17 years the last time, and were not placed there by
18 nature.

19 The photograph that she showed of a drainage ditch
20 with a round rock in it was also placed there by man and
21 not by nature. It was originally placed there to help
22 hold up the creek wall. She also used a sample that she
23 had took north of the Yountville Cross Road and inferred
24 that this is what could be found south of the cross road.
25 This inference should not be made.

1 The area just north of the Abruzzini property is a
2 small development of houses for good reason. It is so
3 hard that people finally gave up trying to plant it and
4 turned it into homes.

5 I'd like to point out a small typo on my initial
6 submission, Page 1, in the fourth paragraph where it
7 says, "East of the State Lane." It should obviously say,
8 "West of the State Lane."

9 The soil south of the Yountville Cross Road is,
10 for the most part, at a five to six foot depth and more
11 easily suited for grapes. Having dug all over, I can
12 tell you that the soils at Stan Anderson's and
13 Benny Barboza's are almost identical to the soils at the
14 original Stags Leap Ranch, and for that matter, the soils
15 across the northern area of the Yountville Cross Road are
16 similar to the soils in the proposed district.

17 As a local resident for many years, it is
18 important to me that local appellations be drawn fairly
19 and correctly. Trying to divide Stags Leap at those two
20 knolls makes no sense. The Yountville Cross Road is
21 where things change, and this is history. I can think of
22 no better northern boundary.

23 MR. DRAKE: You mentioned the rocks north of the
24 cross road were placed there by man, right? How? Why?
25 How do you know that?

1 MR. BUDLINSKY: Well, the first time it was done,
2 it was done by Mr. Fagiani, so he said, with a horse in
3 Fresno; to drain the property. The second time it was
4 done, I did it. Third time it was done, it was done by
5 Beringer Brothers.

6 MR. DRAKE: You also mentioned there was no bridge
7 in the Yountville Cross Road until when?

8 MR. DULINSKY: I'm not sure when; after 1900, I'm
9 not sure when.

10 MR. DRAKE: I think it was Mr. Heintz. I was
11 trying to find the notes. I thought it was 1860.

12 MR. DULINSKY: That's not the bridge in
13 Yountville. That's the bridge north of Yountville, what
14 they call the Cook Bridge. It's right there at the
15 Andrew -- it's a property line.

16 MR. DRAKE: You say the soil south of the
17 Yountville Cross Road is deeper than the soil north of
18 that cross road.

19 MR. DULINSKY: Immediately north.

20 MR. DRAKE: I know you are not a geologist, but
21 what would cause that?

22 MR. DULINSKY: I think the soil comes from the
23 same place. All the rest of the soil south comes from
24 off of the hills, the same hills, the same kind of hills
25 that are behind Stags Leap.

1 MR. DRAKE: That wouldn't occur to the north of
2 the cross roads?

3 MR. DULINSKY: A different kind of rock

4 MR. DRAKE: Yes?

5 MS. RENNECKAR: One question about the rock, the
6 the soil added, how much was added?

7 MR. DULINSKY: Three feet. I added the three
8 feet. After that, it's been added more.

9 MR. FICARETTA: I had a question about the name.
10 As a historian over the years, I think you pretty much
11 agree as the name starts out immediately just as "Stags
12 Leap Ranch" at the base of the hills has gone further
13 out, you say here, since 1953 in the Yountville Chapter.

14 What was it known as in those days or as time has
15 gone by, the area that's now proposed as Stags Leap
16 District, is that known as Yountville or Napa? Does it
17 have no name at all?

18 MR. DULINSKY: The whole Silverado Trail had a
19 Napa address, including the cross roads. When I lived
20 across the street from Stags Leap, it was just known as a
21 ranch.

22 MR. DEVINEY: Given the consideration of your
23 history, your life experience, right now, what do you
24 personally consider the northern and southern boundaries
25 of what you would call "Stags Leap"?

1 MR. DULINSKY: Well, I see nothing wrong with the
2 boundaries used. I can't even state if the cross road
3 was a bad boundary or a good boundary or even a noted
4 boundary, but other than that, I really can't say.

5 MR. DEVINEY: Do you have an understanding of what
6 Stags Leap consists of?

7 MR. DULINSKY: I didn't hear you.

8 MR. DEVINEY: Do you have an understanding of just
9 how far Stags Leap extends? Do you have a feel for that?

10 MR. DULINSKY: Do I have an understanding of Stags
11 Leap itself?

12 MR. DEVINEY: Right. When somebody tells you
13 they're from Stags Leap, what does that mean to you?

14 MR. DULINSKY: Well, it means they're over there
15 where the stag jumped off of the cliff, so the story
16 goes; and it's a ranch within a little valley of its own.

17 MR. DEVINEY: Other than for historical purposes,
18 it doesn't go beyond that?

19 MR. DULINSKY: Not as far as I'm concerned. D #

20 MR. DRAKE: You know, there is one thing that
21 keeps coming up and I wish we could get a clearly stated
22 indisputable answer and that's the marsh area north of
23 the Yountville Cross Road. You're saying it was marshy,
24 yet others have said they have grown grapes there for a
25 lengthy period.

1 MR. DULINSKY: I don't really care what anybody
2 else says. You're talking about Bill. I knew him for
3 some 50 years. He was a supervisor within the county for
4 16 years, I believe. And he was well respected for not
5 being a liar. He said, and in fact, his brother said the
6 same thing, that they drained that property. Before,
7 when it was regular property, they used to hunt ducks on
8 it; and they drained it with a horse and team.

9 I definitely believe if you go further north, the
10 ground is higher, much higher, as high as four feet
11 higher; and if you go east, it gets higher; if you go
12 west, it gets lower.

13 MR. DRAKE: Anybody else?

14 MR. DEVINEY: What about the area in that northern
15 addition west of that westernmost ridge of hills between
16 there and the Napa River, what kind of soil was that?
17 Was that marsh?

18 MR. DULINSKY: You're talking about the northern
19 addition?

20 MR. DEVINEY: Yes.

21 MR. DULINSKY: There is one part that I would say
22 is exactly the same as Clos du Val's; both upper and
23 lower parts of the soil. And then a little bit further
24 north on the original Anderson place, it's just about the
25 same as Stags Leap old ranch.

1 MR. DEVINEY: Was all of it fit for agriculture?

2 MR. DULINSKY: I think it was.

3 MR. DRAKE: Again, the soil to the north of the
4 cross road is different than the soil to the south of the
5 cross road?

6 MR. DULINSKY: Immediately north of Anderson's
7 vineyard there is one piece that is the same as
8 Stan Anderson's, a short, little piece right there.
9 There's a little hump. I think the Beringers farm it,
10 and it has some pretty shallow soil there, too.

11 MR. DEVINEY: Where is the marsh?

12 MR. DULINSKY: The marsh is on the Andrew Fagiani
13 place.

14 MR. DEVINEY: Would you point out where that is.

15 MR. DULINSKY: This is it.

16 (Mr. Dulinsky indicates area on map.)

17 MR. DRAKE: That's Silverado Trail.

18 MR. DULINSKY: It would be right about here.

19 MR. DEVINEY: There's no marsh down in that
20 northern addition, Anderson addition.

21 MR. DULINSKY: Right here is Andrew Fagiani's
22 house.

23 MR. DEVINEY: I thought someone earlier said there
24 was so much marsh in that Anderson addition west of the
25 Spring Hill on the Simonson property. Is there any marsh

1 on there?

2 MR. DULINSKY: Now?

3 MR. DEVINEY: Yes.

4 MR. DULINSKY: Just north where they just put in
5 all that fill from the places on much marsh. In fact, it
6 hadn't been too long ago that I pulled Mr. Weeks out of
7 that marsh.

8 MR. DEVINEY: Where is that?

9 MR. DULINSKY: That's just above Andrew Fagiani's
10 place.

11 MR. DEVINEY: South of the cross roads.

12 MR. DULINSKY: South of the cross roads?

13 MS. RENNECKAR: Is that by Missimers?

14 MR. DULINSKY: No. There used to be a little marsh
15 right at Stan Anderson's, maybe a half to three quarters
16 of an acre, that had been drained entirely in years past;
17 but it was just a marshy piece of ground. In fact, I had
18 pears there; pears, prunes and grapes.

19 MR. DRAKE: Thank you, sir.

20 Richard Chambers.

21 MR. CHAMBERS: Good afternoon. You'll have to
22 forgive my low voice because that's just the way I am.
23 My name is Richard Chambers, and I live on a ranch at
24 6394 Silverado Trail with my family. I developed an
25 18-acre vineyard there all by myself of which I am very

Chambers

18 acres

1 proud, and it's been mentioned today.

2 It's a hillside terrace vineyard, and I think that
3 I grow particularly good grapes. When I first started to
4 develop that vineyard, I asked around and sought a lot of
5 advice. One person who gave me good advice was
6 Dick Steltzner, and he told me on that slope I should
7 definitely plant red grapes. There is no way you can
8 grow white grapes with that exposure.

9 Let me point out, again, I think it's been
10 mentioned before, but let me point out where I am. It's
11 right here. This is my vineyard. It's at the base of
12 the Yountville Cross Road east of the trail of the
13 hillside.

14 (Mr. Chambers indicates location on map.)

15 I must say that Bud Dulinsky helped me a great
16 deal during the formation of the vineyard. He put in a
17 lot of the drainage ditches for me. I have been able,
18 fortunately, to work with a lot of people who have been
19 very kind to me and helped me a lot.

20 I point out the fact that it's a red vineyard for
21 a very specific reason, and that is, I don't think that
22 we have emphasized enough the diversity within the Stags
23 Leap region.

24 Now we have talked about a bit of cultural
25 integrity or unique quality to the region, and I went

1 away yesterday thinking that everything in the region is
2 exactly the same. All the wines have the same
3 characteristic, and we talked mainly about the red
4 wines. But it's not the truth, and we all know it's not
5 the truth.

6 Within every vineyard there are differences.
7 Anyone who has worked a vineyard knows that. In my
8 vineyard I can point out a number of differences. From
9 one vineyard to another, there are differences; and in
10 general terms, those differences start at the hills and
11 they range down to the river. So when we are talking
12 about these problems, we have to take those differences
13 into consideration.

14 Also, I have done a lot of reading about this in
15 the recent weeks, and I reflected back. I talked to
16 Gary Andrus about five years ago, and he told me that
17 there was no way he could grow Cabernet on his upper
18 reaches above his winery because of the long growing
19 season that it requires. At least, that's what he told
20 me at the time.

21 There are more differences than likenesses among
22 the wines. That's been written a number of times. I
23 know that yesterday we had an excellent example, because
24 Bob Egan had said that comparing his Cabernet around his
25 house with the Cabernet that is grown down across the

1 north of the Yountville Cross Road down near the river,
2 there are very definite differences, not to say one is
3 better than the others, but there are a a great deal of
4 differences; and there is.

5 I don't doubt that a bit, but there are
6 differences because Cabernet probably shouldn't be
7 planted in that area. I know Alex Liborti says that
8 that's not a place to plant Cabernet. If you would take
9 and plant Cabernet down in the lower area down in here
10 or over in here, particularly where you have the silt,
11 and then you compared that with Bob Egan's house, you
12 would also have the same differences. There is no
13 question about that.

14 (Mr. Chambers indicates areas on map.)

15 So you can't make an issue of differences, saying
16 that the northern extent of this appellation isn't
17 qualified, because those differences would exist within
18 the region, and we know that. After saying all of that,
19 I still think that my grapes are Stags Leap grapes, and I
20 say that based upon a few, I think, pet feelings.

21 I sell my grapes to John Shafer, and I have for
22 the last three years. I have a perpetual contract with
23 him. I do that because they are good people to deal
24 with. They're a good family, I like them, and they
25 understand my problems. Even though John yesterday said

1 that he didn't remember, and I'm sure he doesn't remember
2 tasting the Cabernet that he called "Stags Leap
3 Cabernet," I remember it because it was real ratification
4 for me that I was going to Stags Leap Cabernet.

5 It was a 1985 home brew. It wasn't his; he didn't
6 make it out of his grapes. I took it over there. Doug
7 was there and so was Elias, and John tasted it. It's a
8 vivid memory for me. It was very important to me. I'm
9 not saying that makes me Stags Leap. I understand that,
10 but stylistically it's the same. Now, why then can't I
11 be called "Stags Leap"?

12 After listening to yesterday's comments, I think I
13 might have been able to call it "Stags Leap," had I done
14 what Gary pointed out; and that is, had I advertised in
15 the Napa Valley Grape Growers Association that I was from
16 the Stags Leap region.

17 You're looking for those threads of evidence, and
18 had I five years ago had the wisdom to put a sign in
19 front of our property, "Richard Chambers Vineyard, Stags
20 Leap Area," I would have undoubtedly been sued, but the
21 suit would have gone on and on. And we had reached some
22 resolution of it, and I probably wouldn't be standing
23 here today, because I would have had a name recognition;
24 and that's what a lot of the arguments are based upon and
25 that bothers me somewhat. It really does.

1 Well, let's let that drop. This is a fairly
2 editorial comment. At any rate, when we talk about Stags
3 Leap region -- 'I would like to get back on the subject.
4 When we talk about Stags Leap region, three years ago, I
5 first heard about the iniation of this appellation and in
6 my mind, in fact, almost everyone here, there's no
7 question that the true heart of Stags Leap is the Stags
8 Leap Valley. Bud just said it and most people said it.
9 And I wouldn't have quarreled with that a bit; not a bit.

10 But when they started to extend that and extend it
11 south into a totally different microclimate, in my
12 opinion, extend it west beyond those Silverado hills and
13 not extend it north when I think I am very valid in being
14 Stags Leap, I can't understand it. I truly can't
15 understand it.

16 So I began to research this, not truly research,
17 but I am a scientific observer, I think. I started to
18 read more about it, and I would like to discuss the
19 growing conditions that exist within Stags Leap. I have
20 a hard time designating Stags Leap in the northern
21 addition of it. It was five percent more than we want,
22 but the growing conditions within Stags Leap and our own
23 additional area, I would like to describe those to you.

24 Now, everyone agrees, I think, that there are
25 three or four ways to define "growing conditions." In

1 addition to the ^①soils, in addition to ^②topography and
2 ^③climate, there is also some ^④exposure. Now that's not a
3 big issue, but in my mind, it's an important issue,
4 anyway; but I think that our sun exposure in the
5 northern extension is the same as theirs. The only
6 exceptions might be the backs of the few hills, like one
7 of the Pine Ridge vineyards.

8 But when you get down to the next subjects, the
9 soils and topography and climate, I think that's when you
10 really can make some points. Until yesterday I thought
11 there wasn't much of an issue regarding soils. I really
12 thought that soils were fairly uniform throughout this
13 region, uniform in the sense that they're totally
14 un-uniform.

15 We are in a volcanic area. There are about 14
16 different soil types, as I understand, and we all share
17 some mixture of those soils. In any one vineyard, you
18 are going to find different soil types, any one vineyard
19 that at least extends up the hills; and that doesn't
20 matter if it's small, flat or straight, flat position.
21 Within those flat areas, it's been previously documented
22 by the USDA, that it's 104 and 105, predominately.

23 Until yesterday I really thought that we had a
24 consensus in that area, but after Professor Elliott-Fisk
25 talked to us, I think she had a real impact. And I think

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(Mr. Chambers shows photographs of road cuts.)

These, if you were looking north or standing on the north side of the Yountville Cross Road and look south and to your right, would be the river and to the left would be the hills. This is the road cut in front of Missimers, which is totally clean. This is the road cut just to the south of the Andersons. This is the road cut in front of Andersons, and this is the road cut to the east of Andersons. This spans the Yountville Cross Road, and all of these road cuts, to my eye, are clean. There are no big boulders in the soil.

Then I went down because I was already wet, and I went down and took a picture of mine which is also a clean road cut. I went down the road to Mondavi which is a clean road cut. I ~~went down to Chimney Rock which is a clean road cut.~~

A real difference is on my own house site, which I know is an illuvial fan area. It is a big boulder, you can see that here; and in fact, it's the base for the Tahoma Grant, which is somewhat of historical interest. That's a different piece of soil, and I own about one acre of vines on that kind of soil. I wish I had all 18 of them because my best grapes come from there, so that's another argument.

Then I know a comment was made, also, that if you

1 go up around the Rector region, you will see a lot of
2 rock walls. I know that I have seen rock walls down at
3 Stags Leap, so I went down and took a picture of Warren's
4 rock walls and these are a few. This is a view of Pine
5 Ridge which certainly shows a different soil type.

6 Also, another point was made yesterday regarding
7 the Oak Forest cover and, although, it was clarified that
8 it did extend more, I want to prove it extends north
9 along the hillside. This is a picture of my ranch; these
10 are the oak trees above the house and the oak trees
11 around the vineyard. There is moisture in this area,
12 too.

13 All right. Those are soils and I think we should
14 reconsider what soils we have and I would contend the
15 soils are fairly uniform in that they are un-uniform
16 throughout the whole region.

*diversity
of
soils*

17 Then we talk about topography and climate, and
18 this is really the centerpiece of almost everyone's
19 discussions about Stags Leap. They talk about the hills,
20 and they talk about the funnel effect and the venturi
21 effect; and all of that I agree with, but I'd like to
22 apply it to us as well.

23 First of all, (we) share the same range of hills to
24 the east. We are exposed to that 2,000 foot Stags Leap
25 range. We also are exposed to other hills. We are

1 exposed to this hill and this hill, which we are making a
2 great deal of. Our furthest portions of our vineyards
3 are within 300 yards of any of these hills. That really
4 doesn't hold down here. It's much further.

5 (Mr. Chambers indicates areas on map.)

6 But the hills are very important because not only
7 do they create this funnel effect, they also give you
8 late afternoon prolonged warming during the growing
9 season. They give you the early morning cooling of the
10 prolonged cooling that lasts on into the day, and in the
11 winter they give you some frost protection and that air
12 drainage off these hills certainly applies to us, just as
13 it does to them. There's no question about that.

14 What about the venturi effect? This is absolutely
15 the centerpiece of all of this discussion, and that's the
16 venturi effect up through here which was demonstrated
17 yesterday as coming over here, heading out and then
18 heading back up, with a few little drifts up here, a few
19 little eddies up in here; small, thin lines. These were
20 big, fat lines. This was a particularly big, fat line
21 out in here.

22 As a farmer in this region, I know that I can't
23 spray past 9:00 o'clock in the morning because the wind
24 starts to pick up. That's all through the growing
25 season. Any of us in this area will tell you that. It

effects of
breezes on
vines.

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peaks about mid-afternoon and then it dies out.

Unfortunately, no one has put any weather station in that area to document that. I thought the greatest weather station in the world is the vine, so I am going to show you some pictures of vines that live in that breeze, that bend over to that breeze as they develop, and you will find that there is a very definite breeze effect on these vines. Let me show those to you.

Exhibit
#27

(Mr. Chambers shows photographs of vines.)

Now, the top four are pictures from my vineyard. That's because they're bigger. First of all, this is a picture down on my flat portion facing southeast, and you'll see the canopy grows this way. I realize that pictures can be deceiving. You could take one picture and you could really deceive someone, but believe me, this represents my impression of it, and I believe it to be true; and I welcome anyone to come out and look at my vineyard.

The canopy grows this way consistently all through the vineyard. We are looking east. Look at the vines. Nothing much in the way of cane over here. Look at all the cane over there. I know that John sees that on his vineyard. I've seen it on his vineyard as well. He more or less pointed it out yesterday. That is a very consistent fact through this whole area.

VINES bend
away from
wind

1 Another picture from my vineyard. Look at the
2 canes. This is looking west. See how they're bending
3 away from the south wind. Same thing with this. Then,
4 what I did was I went over and I looked at Missimer's; I
5 look at Barboza's; I looked at Anderson's. I didn't take
6 pictures of all of them, but here is Anderson's. Here is
7 the same thing. Looking west, canes are bent from the
8 south wind. Another picture of the same thing. The
9 Missimers, same thing.

10 Then I said, "Do all vines grow that way?" So I
11 went over to Yountville and I took pictures in Yountville
12 and I can't find anything but neutral cane growth. Maybe
13 someone else can, but on up around that side over across
14 the river and on up, it's neutral cane growth. So this
15 is another fact. It takes more than one or two puffs of
16 wind to create this. So we do share that wind effect.

17 Now where does that wind effect end? I have no
18 idea. It might be 500 feet; it might be 5,000 feet. I
19 have no idea, but it undoubtedly crosses the Yountville
20 Cross Road. I don't question that at all, but I did go
21 up State Lane and I couldn't find it on further up State
22 Lane. I don't know where it stops. I'm sure, though,
23 that the strong wind does dissipate in that area.

24 If the growing conditions are basically the same,
25 which I propose they truly are, I propose that we have a

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1 spillover effect from the Stags Leap Valley, that those
2 small hills are not that significant ~~and that we enjoy~~
3 exactly the same that they do within the valley itself.
4 If that is the case, maybe the last index would be going
5 back to the beginning, how the vines and grapes mature.

6 I realize the comment was made this morning that
7 you can't take picking dates and make an issue out of
8 them, but unfortunately, there aren't many things you can
9 take, where it's very subjective from beginning to end,
10 because just to sit and taste the wine, you can't get two
11 people to truly agree on a wine.

12 So it's very hard to come up with hard evidence.
13 Acids don't mean that much. Nothing else means that much
14 in itself. Picking dates also don't mean that much, but
15 if you try to minimize the rest of the variables, it has
16 a little bit more importance.

17 So my picking dates I can compare with Shafer.
18 They take their grapes off a similar topographical area,
19 similar soils, similar viticultural practices. I can
20 stand here, and John will certainly agree, I think, that
21 my Merlot comes off with the same parameters the same day
22 and also goes into the same fermentation tank as his, the
23 last two years, at least.

24 My Cabernet, a similar story. My Cabernet,
25 somewhat different because we pick them off of separate

Exhibit
#2

1 lots, but they come in within the same spectrum of time
2 as his Cabernet. And he can certainly correct me if I'm
3 wrong, but that's my impression. So again, we have some
4 reason to believe that the growing characteristics are
5 the same between the two areas. Truly.

6 Also, as of the last two days, I have heard that
7 we are Yountville, and there may be some general historic
8 notion that we're Yountville on this grand scheme, but
9 certainly we aren't as far as growing conditions are
10 concerned.

11 Again, if you back off to the four things that I
12 initially proposed, being that exposure which is the
13 same, topography and climate or soils. Soils are not the
14 same. We all, I think, in one area agree that the soils
15 are different. Also, some of that coal silt long existed
16 on our side of the river down in the Mondavi area and up
17 in the Missimer area, but soils are basically different.

18 Then that leaves the two other variables of
19 topography and climate, and there is a general venturi
20 effect up through the valley, a funnel effect, but it's
21 not magic. I don't think the air flows nearly as
22 prominently in the Yountville. The area has been
23 mentioned as being cold. You know that.

24 There is principally one other thing I'd like to
25 point out to you people, that is, yesterday the person

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from Western Network pointed out that the two weather stations that he had set up were really significant. Those two weather stations, one was placed at 180 foot level over here at approximately this location. The other at 190 foot level in this case.

Then if you really read that data, which wasn't really elaborated on, ~~they measured it for 41 days~~ after the growing season, which we know that, at that time. The wind is very strong and certainly not as significant. Was the wind lower here than there? The difference was on the average of 1.7 miles an hour, which figures out to, then, a 19 percent difference between this area and this area and are not even the same thing. It's the true venturi effect, so the wind over here going into Yountville isn't nearly as important.

So one last reason we are into the Yountville, I would like to propose as a piece of evidence, that is, I asked a vineyard owner who has a vineyard right along the cross road on the south side of the cross road midway between the bridge and Yountville to give me his statement of whether we are Yountville or whatever.

This is written by Mr. Myer who owns California Soleil Vineyards. I quote a portion of it which says:

"We have always marveled at the structural differences between our growing

Exhibit #27

1 conditions and those barely a mile and a
2 half to the east on Yountville Cross Road.

3 "The proposed Stags Leap appellation
4 with the revised boundaries, it's our
5 impression, then, that on a typical casual
6 summer afternoon, that the temperature
7 there is six to eight degrees warmer than
8 at our vineyard.

9 "This comes with the known soil
10 differences between the two areas roughly
11 separated by the Napa River, which puts us
12 in two distinct growing areas. Specifying
13 which varieties are best suited, Cabernet
14 will not be richer over on our side.

15 "Frost pattern, timing of harvest, the
16 clearing of vineyards at the end of the
17 Yountville Cross Road are far less, in
18 general, continues to the general Stags
19 Leap area, then to the Yountville area."

20 I would like to make two more points. You know
21 the Yountville Cross Road has been mentioned as not being
22 a reasonable boundary because it's a road. If you
23 believe roads, at most appellation lines, at least many
24 roads really represent one or more of the borders. They
25 do even in the proposed appellation.

1 The Stags Leap Committee has mentioned they used
2 the Silverado Trail and I don't think that's wrong
3 because roads are margins of properties and properties
4 develop reputations. It's those reputations that
5 sometime eliminate appellation. I don't think that's a
6 wrong way to look at it.

7 Also, I defy any of you to pick up two journals
8 that describe Stags Leap and find out if there has got to
9 be one of the two that use the Yountville Cross Road as a
10 reference. They may say "up to and short of the
11 Yountville Cross Road or just below the Yountville Cross
12 Road or an extension of the Yountville Cross Road," words
13 which many of you use, everyone including Mr. Ficaretta.

14 The point here is if you take a non-sophisticated
15 consumer and you create this boundary from hilltop to
16 hilltop, it's still going to be in the press and in the
17 literature described someplace referred to the
18 Yountville Cross Road in that non-sophisticated consumer
19 is going to assume, that is, the Yountville Cross Road as
20 the boundary. You are being ambiguous by not using the
21 Yountville Cross Road. It's so obvious.

22 One last thing. I probably shouldn't say this.
23 One last comment is that I thought if I went over to the
24 Napa Valley Tourist Bureau in Yountville and walked in
25 with some good clothes on and said, "Fellows, I would

1 really love to know where the Stags Leap area is, you
2 know, where all of those good wineries are."

3 She stood behind the counter and she said, "I
4 don't know. I think it's south." And of course, I was
5 really taken aback, but I was bummed-out because there
6 were other people there. This guy said, "Go to the
7 north end of Yountville; get on the Yountville Cross
8 Road; when you cross the bridge, look to your right and
9 that's all the Stags Leap area; and it goes two or three
10 miles from there." And I feel that's the perception that
11 a lot of people have.

12 Thank you.

13 MR. DRAKE: Mr. Chambers, thank you.

14 Where is the Yountville area that you referred to?
15 What do you mean when you say "Yountville area"?

16 MR. CHAMBERS: I don't know. I thought the
17 Yountville area that was described by Mr. Myer was west
18 of the river, in and around Yountville, and I assumed
19 that is the Yountville area. I don't have really strong
20 definition.

21 MR. DRAKE: How about north of the Yountville
22 Cross Road? Is that part of the Yountville area?

23 MR. CHAMBERS: I don't think so. I'm basing that
24 on the conclusion that it's a different growing
25 condition, different soils.

1 MS. RENNECKAR: When did you start your vineyard?

2 MR. CHAMBERS: No, I didn't say I started. I
3 bought the property in 1980 and started it in 1981.

4 MRS. SLATTERY: You mentioned something about:
5 "If I posted a sign in front of my property saying 'Stags
6 Leap Area,' I would be in litigation." Do you mean to
7 imply the litigation that was going on in the '70's and
8 '80's regarding the tradename "Stags Leap" might have
9 affected some vineyard owners to be in the Stags Leap
10 area?

11 MR. CHAMBERS: It was both. I am not sure that if
12 I had taken the stand -- you know, a retrospective view
13 of this is much different. Had I taken the stand, I
14 think I would have been really challenged. I am not sure
15 that I knew enough to take the stand, but I think if I
16 went back today, I would take the stand.

17 MR. GAHAGAN: Mr. Chambers, you mentioned that
18 you have been selling your grapes to the Shafers. I was
19 wondering, what appellation of wines are they?

20 MR. CHAMBERS: I'm not sure. They are not in
21 Stags Leap. They go into the Napa Valley blend. I never
22 implied that. That was never mentioned.

23 MR. DRAKE: Anything else?

24 Mr. Chambers, thank you.

25 MR. ANDERSON: Can I make a comment?

1 I do have a Cabernet variety growing around my
2 vineyard. Mr. Chambers is incorrect.

3 MR. CHAMBERS: All I can do is go by my memory,
4 essentially.

5
6 MR. KAYFETZ : I don't know whether to thank
7 Mr. Chambers. It's always hard to follow somebody who so
8 eloquently express things you were going to say yourself,
9 but I do have some comments that I would like to make on
10 this issue.

11 I will say that I am replacing Rob Sinskey today.
12 Rob was originally scheduled to represent the winery,
13 being the son of the owner, Robert Sinskey, and has since
14 resigned his position with us, leaving me as the sole,
15 full-time employee of the winery at this point. So
16 happily I come here today to address this issue because
17 it is obviously quite important to us.

18 I will also say that, although, I am just recently
19 involved in this particular area, I do have some
20 familiarization with the Stags Leap area as I have over
21 15 years of experience in the winery. I have purchased
22 and placed a lot of the wines from many of these wine
23 makers and wineries on various wine lists and sold them
24 in stores, so I do feel familiar with them on that level.

25 I have to say that I have had sort of a crash

1 course here in the last couple of weeks concerning this
2 particular area of Napa Valley, and I'm rather fortunate
3 to have that. I, too, don't profess to be an expert in
4 any sense of the word concerning issues such as soil,
5 topography, geography, geology, climate conditions, et
6 cetera; but I do have a certain amount of common sense.

7 I have stood on our property and have had tasted
8 wines from the surrounding areas, and I think that all
9 adds a certain amount to the information base that I
10 have. But listening to a lot of the other people speak
11 today, I feel like the new kid on the block, so to speak.

12 Just to bring you into the information here, we
13 acquired the property that is Sinskey Winery Vineyards in
14 1984, and we were granted a use permit to build a winery
15 in February of 1987. We are located on Silverado Trail,
16 6320 Silverado Trail, Napa. We have so far excavated
17 6,000 square feet of caves which we will use for barrel
18 aging, and construction of the winery began in October of
19 this year, to be completed for the 1988 harvest.

20 Just a few comments about the property itself,
21 because I believe that it is the piece of property where
22 we will be planting grapes that will produce the grapes
23 that would have the character of the Stags Leap area. As
24 I said, it's located at 6320 Silverado Trail, which is
25 right in this area. As you can see, there's a little

1 inlet off the road here.

2 The total acreage there is 11.4 acres and it
3 generally slowly slopes back from the road a short
4 distance and then there are some steep hillsides and the
5 hillsides ring the actual winery side which creates sort
6 of a bowl or natural amphitheater type of effect. The
7 vineyards themselves will be planted in that area between
8 the road and the winery building, and then on terraced
9 areas that have been cut, surrounding the winery, would
10 be the sides of the bowl.

11 I think one of the most important points that I
12 can offer is what our consultant wine maker and vineyard
13 manager have decided to plant in those vineyards. In
14 March of 1988, we will be planting Cabernet Sauvignon and
15 Merlot and perhaps a little bit of Cabernet Blanc.

16 These varieties were chosen by these two
17 individuals with the owner because they feel they are
18 exactly the right varieties, the best varieties to be
19 planted in this particular area. Obviously they are the
20 varieties that are bringing the most notoriety to Stags
21 Leap as well. This decision was made on the basis of
22 consultant wine maker, Joe Cafaro, expertise, along with
23 the vineyard manager. They feel very soundly that this
24 is definitely the best varieties for us to plant.

25 Some very brief comments, as far as the soil is

1 concerned. What little I have been able to ascertain so
2 far here today, as Mr. Chambers pointed out, is that
3 there is a great variety. Our soil is (105 and 155, if
4 you look at the map that has been posted there, so we are
5 consistent with other areas within the proposed
6 boundaries of Stags Leap.

7 Obviously the topography is similar to many other
8 pieces of property within the proposed boundaries, with
9 the slightly sloping area and the steep, terraced
10 hillsides. One of the key factors here seems to be as
11 this issue of when, and while I can't really offer any
12 hard scientific evidence, I certainly have stood on the
13 property and felt the wind blow. The wind definitely
14 blows from the south, and this is verified also by
15 Joe Cafaro who tells me that it predominately blows from
16 the south and the times that he's been there.

17 If you stand on the property and look down toward
18 the Silverado Trail, you can see a natural channel.
19 There's a channel with some hillsides on the right side
20 on the west side of the road and also on the east; and it
21 obviously makes very good common sense to me that the wind
22 will be allowed to blow up through that; and it blows
23 straight up, actually along Silverado Trail, into our
24 property.

25 Other than that, I would just like to make quick

1 mention of the Napa Register article which was published
2 on February 5th, 1987, written by Libby Lane from the
3 Napa Register staff. Having used the newspaper for
4 various reasons, as historical information throughout
5 these hearings, I think it's notable to point out in that
6 article, twice we are mentioned: once as "a new winery
7 in the Stags Leap area" and, secondly, "in the world-
8 famous Stags Leap area" and along with that, there is a
9 map that lists us as one of the wineries in the Stags
10 Leap District.

11 So if nothing else, certainly the local press
12 considers that we are part of the Stags Leap area, a
13 reflection of what they would perceive, I would think, as
14 general public sentiment.

15 Questions?

16 MR. DRAKE: Thank you.

17 MR. FICARETTA: The boundary as proposed in the
18 notice or the alternative boundary proposed by the
19 petitioners would be completely excluded, or does that
20 cut through?

21 MR. KAYFETZ: It's my understanding that both the
22 currently proposed northern boundaries were excluded.

23 MR. DRAKE: Thank you.

24 Let's take a break.

25 (Recess taken.)

1 MR. DRAKE: If you have copies of your remarks,
2 the reporter would be appreciative to have that before or
3 after, if you can.

4 Joanne and Newell DePuy.

5 MR. ANDERSON: If I may, I am Stanley Anderson. I
6 would like to read their letter to Mr. Drake for the
7 record.

8 "December 1, 1987. Mr. William Drake,
9 Office of the Director, Bureau of Alcohol,
10 Tobacco and Firearms, United States
11 Department of the Treasury, Washington,
12 D.C. 20026.

13 "Dear Mr. Drake: Because of illness in
14 my family, we have had to go to the East
15 Coast and will be unable to attend the
16 hearing for the Stags Leap Appellation on
17 December 2, 1987, and to speak at our
18 allotted time, 1:50 p.m. I have asked
19 Dr. Anderson to submit this letter to you.

20 "In 1973, I started the first business
21 in California that was devoted to taking
22 wine consumers to tour wineries and taste
23 the wines of California. See enclosed
24 brochure." -- I assume she has that.

25 "In the years that I have escorted wine

1 consumers, many extremely knowledgeable, many
2 whose wine education was just beginning, I
3 have found that it benefits all consumers to
4 simplify. The average wine consumer had a
5 difficult time remembering the myriad of
6 details that go into producing our country's
7 finest wines. I try to make it easy for
8 consumers to understand geographical
9 boundaries when possible.

10 "I often take guests out on my deck" --
11 which is on the summit of this hill and is
12 an absolutely commanding view. I think
13 Mr. Ficaretta has had the pleasure of being
14 up there. "I often take guests out on my
15 deck and advise them that they are in the
16 Stags Leap area. I point to the craggy
17 bluffs and tell them the legend of how
18 Stags Leap got its name.

19 "I tell them about the fine wines of
20 Stags Leap Wine Cellars, S. Anderson,
21 Shafer, Pine Ridge, Clos du Val and Stags
22 Leap Winery.

23 "I advise guests that the boundaries are
24 the Yountville Cross Road, the Napa River,
25 Clos du Val and the craggy bluffs. This has

1 been my understanding of the Stags Leap
2 region.

3 "To have the appellation boundary cut
4 through our property and other property,
5 dividing it into different appellations,
6 does not make sense to my husband and me,
7 especially when there is a definitive road
8 that is a logical boundary.

9 "Therefore, my husband and I respectfully
10 request that your committee draw the Stags
11 Leap appellation northern boundary at the
12 Yountville Cross Road. Thank you for your
13 consideration. We regret that we were unable
14 to be at the hearing.

15 "Sincerely, Joanne DePuy, President."

16 MR. DRAKE: Thank you, Mr. Anderson.

17 William Weeks.

18 MR. WEEKS: My name is Bill Weeks. I live on 1501
19 Yountville Cross Road about 250 yards to the west of the
20 Silverado Trail. For the last 17 years, I have farmed an
21 8-1/2 acre of Cabernet vineyard. I now have another 1/2
22 acre of Merlot vines contiguous to that property.

23 In those years, I have sold grapes to a very
24 representative segment of the most prestigious wineries
25 in the Napa Valley. The main point I would like to make

1 at this time is that in 1978, several tons, possibly four
2 tons of my grapes were sold to an organization in
3 Berkeley, California called "Wine and the People." They
4 advertised nationally to home wine makers. My grapes
5 were resold to their customers as Stags Leap grapes, and
6 they were completely resold at a very high price, I might
7 add.

8 In the last 12 years, I have been doing contract
9 farming work, and I have done work both north and south
10 of the Yountville Cross Road. I think one of the most
11 essential differences between the two areas is drainage.
12 Today, the planted areas north of the Yountville Cross
13 Road still drain very poorly.

14 There is one Cabernet vineyard on the west side of
15 the Yountville Cross Road today that sometimes isn't
16 cultivated until as late as early July. The rocky soils
17 in that area as well as the hard adobe reflect the
18 illuvial fan composition of the geology of the immediate
19 area. It's very, very rocky. I've worked on two
20 properties north of the cross road which had to have as
21 much as 50 tons of rock removed per acre to make them
22 subject to cultivation and planting with grapes.

23 I have also done work for the Stags Leap vineyards
24 for Carl Doumani in planting vines and cultivating,
25 spraying, et cetera; and I do feel that the soil types on

1 his property are almost identical to my own. I have
2 absolutely no difficulty in applying the same techniques
3 of cultivation in his properties, that I did my own.

4 However, the properties north of the cross road
5 are quite different in that respect and much more
6 difficult to cultivate and still have a very heavy
7 overlay of rock in them. The rock is being picked
8 constantly by the growers in that area.

9 The quality of the grapes from our immediate area
10 I don't think is in dispute, but I would like to mention
11 the fact that this year, 1987, two Stags Leap wineries
12 called me and asked to buy some of my grapes, if I had
13 any available. The shortage of Cabernet was, of course,
14 due to the shatter caused by hot weather at some time in
15 May. This was universal throughout most of the southern
16 half of the Napa Valley, including most of the Stags Leap
17 area. So we all shared the same disadvantages, as far as
18 the shatter is concerned, at bloom time.

19 Generally speaking, I think that the Yountville
20 Cross Road provides a very easily administered northern
21 boundary for the proposed appellation and that any
22 arbitrary line across hills doesn't really confront the
23 realities of the soils, wind, drainage and the rest of
24 it.

25 I don't feel there are excessive differences

1 between the Stags Leap center, Stags Leap properties and
2 the northern properties that's on the flat. The hillside
3 vineyards do have similarities; again, Chamber's example
4 and Mr. Shafer's, but my own property certainly has many
5 similarities to the Stags Leap Cellars vineyards.

6 The property, in terms of drainage, et cetera, the
7 major difference would be in very minor wind patterns.
8 Those would be the only differences that could possibly
9 cause any possible difference in the quality of grapes.
10 It also seems that our harvest times coincide and have
11 for the last 15 years that I know of. Harvest times of
12 our vineyards, of course, have rarely been more than a
13 few days. It seems to be the general pattern of harvest
14 time for Cabernet grapes through the Stags Leap
15 appellation area.

16 MR. DRAKE: Thank you, Mr. Weeks.

17 You mentioned "Wine and the People," buying grapes
18 from you and marketing them as Stags Leap.

19 MR. WEEKS: That's correct.

20 MR. DRAKE: Stags Leap grapes was the basis.

21 Why did they do that?

22 MR. WEEKS: That is a picture of the man who ran
23 the company called "Wine and the People." He was a very
24 familiar buyer of grapes throughout the entire Napa
25 Valley, and the only Napa Valley grapes that I can recall

1 that he bought were grapes that he called "Rutherford
2 Stags Leap." And then he had, also, Alexander Valley
3 grapes for sale from Sonoma County. These are the only
4 Cabernet grapes that he offered.

5 MR. DRAKE: Is there evidence of that somewhere?

6 MR. WEEKS: I am sure there is. I no longer have
7 any evidence. He published a catalog which I sent out to
8 his subscribers about 1978, but it was a long time ago,
9 and I don't believe that there would be a copy anywhere.

10 MR. DRAKE: You also mentioned two Stags Leap
11 wineries called you. Which two?

12 MR. WEEKS: Shafer and Pine Ridge.

13 MR. DRAKE: All right.

14 You mentioned "shatter." Did that occur outside
15 of the proposed area, essentially?

16 MR. WEEKS: I think it was pretty common
17 throughout Napa County. We had temperatures in May, of
18 possibly four days running, of over 100 degrees.

19 MR. DRAKE: So that would have occurred regardless
20 of where you were in the valley?

21 MR. WEEKS: Pretty much so, yes.

22 MR. LIBERTUCCI: I have a question.

23 Getting back to the four tons of grapes that you
24 sold to Wine and the People. Did you sell these grapes
25 to this group as grapes from the Stags Leap area?

1 MR. WEEKS: I did not represent them as Stags Leap
2 grapes, no. It was their idea to sell them as Stags Leap
3 grapes.

4 MR. LIBERTUCCI: So any invoicing would identify
5 that?

6 MR. WEEKS: I have a copy of the invoice from
7 which they paid me here. It does not refer to the
8 origin of the grapes. The only way that you can probably
9 deduce any inferences in how they sold the grapes would
10 be through advertising, if we can find that.

11 MR. LIBERTUCCI: All right.

12 MR. DRAKE: Thank you, Mr. Weeks.

13 Dorothy and Benito Barboza.

14 MRS. BARBOZA: Before I start with what I came to
15 say, there are a couple of comments that come to mind in
16 regard to the Stags Leap name. It occurs to me that one
17 aspect that has not been mentioned. There is no
18 mention of it in the first presentation that you got from
19 the community, but there were three major
20 suits which certainly must have provided wonderful material for
21 writers. That really is a way to get your name out.

22 They protested a little much. Just possibly
23 marketing may be a factor in wanting a wine appellation.

24 They protest it's all for the consumer. I am a consumer.

25 I wouldn't mind having wine areas represented so that I

1 know what I am getting.

2 But just the same, there are a lot of big guns
3 here today. I heard how much hourly this is costing
4 everybody, and I might say that we are not spending any
5 money we don't have to spend. I think it would be a pity
6 if this appellation became a function of how much money
7 there was.

8 Somewhere here I have a letter of which I will
9 give from our neighbor, Margaret Thomas, who lives right
10 across the road from us and who says:

11 "As a resident who has lived at the
12 above address for 66 years, I wish to
13 express my opinion about the proposed
14 Stags Leap appellation. To me, Stags
15 Leap has always meant Stags Leap Ranch
16 and Resort, and I would not question an
17 acclamation for that ranch alone.

18 "However, the proposed appellation
19 was broadened to include the area south
20 of Chimney Rock Golf Course and west of
21 the Napa River. Then, I feel what does
22 not make sense, to make the northern
23 boundary an unseen line which cuts across
24 hills and divides some people's properties.

25 "If the Stags Leap appellation is to be

1 ignored on just the historic Stags Leap
2 Ranch, then I feel the only logical northern
3 boundary to be on the Yountville Cross Road.
4 It would provide a definite recognizable
5 boundary. It has existed for many years,
6 and historically it has been the dividing
7 line between land grants."

8 I guess I should start out by saying my name is
9 Dorothy Barboza. My home, where my husband and I have
10 lived for over 30 years, is in our vineyard at 6341
11 Silverado Trail, Napa. We are just south of the
12 Yountville Cross Road, and we are two of the grape
13 growers who feel we should be included in the proposed
14 Stags Leap District Appellation. We can see the Stags
15 Leap cliffs from our vineyard, and we are closer to it
16 than are the vineyards on the southern end of the
17 proposed appellation.

18 Since I expect you will ask me if I don't tell
19 you, I will tell you our Pinot Noir and ~~Chardonnay grapes~~
20 go to Inglenook, and I refer you to letters by ourselves
21 and by Inglenook's viticulturist, Charles Hossom, as to
22 quality and worthiness to be considered Stags Leap
23 quality and/or distinctiveness.

24 We have the prerequisite requirements of soil,
25 topography, climate, et cetera. And speaking of soil, I

1 would never dream of questioning the presentation of the
2 geologist, but I do know one thing, that I can recognize
3 in the photographs of soil; and I assure you that the
4 soil on our vineyard looks a lot more like Joseph Phelps
5 than the one across the road north of the Yountville
6 Cross Road. There's no place I can think of that has
7 rocks like that.

8 We have never had a chance to claim that our
9 grapes are Stags Leap grapes. Since 1969, we have
10 belonged to Allied Grape Growers, and they have a
11 contract with Inglenook in 1991. In addition, this year
12 we signed a contract with Inglenook directly for some of
13 our new Chardonnay. Today, Inglenook prefers to have an
14 "Estate Bottled" label and, I might add, they are very
15 careful to comply with the regulation that all Allied
16 vineyards are to be under their control.

17 However, at one time the wine maker they had then
18 considered vineyard designations, until he left for
19 another job. I understand that Inglenook has gone
20 through three corporate transfers of ownership in the
21 last fiscal year, so who knows what the future holds?

22 I feel we belong in the Stags Leap area, and we
23 should have the opportunity to sell our grapes as Stags
24 Leap grapes should the occasion arise. As growers we do
25 not ring our own bell, so the general public has not

1 heard of us. We do not have access to press releases or
2 interviews by wine writers or to any of the hype which
3 goes with advertising wine, so we are at the mercy of the
4 winery.

5 The first I ever heard of a proposed Stags Leap
6 appellation was when Mrs. Shafer came to our house to ask
7 about what we knew of the history of Stags Leap Ranch and
8 her ranch, because they were thinking of trying to have
9 an appellation for their area. This did not seem
10 unreasonable to me, but when I heard years later that the
11 proposed appellation had been extended to below Chimney
12 Rock and over to the Napa River, I was truly astonished.

13 However, I can understand the premise upon which
14 an area is expanded while still keeping the name of a
15 local landmark. At the same time, I believe the
16 selection of boundaries should be logical, and it is not
17 logical to have a northern boundary defined by some
18 compass bearings on hills which are so small they don't
19 even show on the winery map put out by the Vintners' and
20 Grape Growers Association, and I'll show you this.

21 (Mrs. Barboza indicates areas on map.)

22 You'll see there are some little hills here in
23 the Stags Leap area, but there are no hills shown across
24 from there. These compass bearings cannot be easily
25 identified by a consumer without reference to the

1 Yountville Cross Road. I strongly feel that the
2 Yountville Cross Road is the only logical and reasonable
3 northern boundary for the proposed Stags Leap District
4 Appellation.

5 I feel I have known Napa County well since 1955,
6 when I came here to be a Home Advisor for Napa County.
7 As such, I was a non-resident faculty member of the
8 University of California, Berkeley, and I worked over the
9 whole area of Napa County. When the schools below
10 St. Helena District were unified, I was elected to the
11 Napa Valley Unified School District Board of Trustees and
12 served for over 11 years.

13 My husband has been a grape grower for 40 years,
14 and we have been grape growers together for over 30
15 years. I am the more talkative member of our
16 partnership, so my husband has written a statement.

17 Where is it, Benny?

18 This is Ben Barboza.

19 MR. BARBOZA: I'm Ben Barboza, and I live at 6341
20 Silverado Trail. I have retired from the Veterans' Home,
21 a fine institution. I worked there for 34 years. At
22 that time, part of my duty was to take the rainfall,
23 water temperatures for the weather station we have here
24 for the Department of Water Resources.

25 In 1947, I purchased 20 acres at 6341 Silverado

1 Trail, Napa, between the Yount Cross Road -- and I always
2 refer to our area as "Yount," not "Yountville" -- and the
3 Stags Leap entrance.

4 In 1964, the Napa area had what is called a
5 "killing frost." In the fall of that year, I installed a
6 wind machine. Since that time, I have lost many nights
7 of sleep during the spring, getting up every night or
8 early morning whenever the temperature dropped to 34
9 degrees and staying up until sunrise.

10 Upon reading the report from the Krick Group on
11 the Unique Microclimate of Stags Leap, I feel that their
12 report is not complete. I question "a site visit to
13 Stags Leap and surrounding areas." I can't see how
14 anyone can make an on-site inspection in one visit and
15 know all there is to know about that particular area or
16 any county, for that matter, as being sufficient to make
17 judgment of the total weather picture.

18 In the explanation defining the microclimate of
19 Stags Leap and the location of the proposed Stags Leap
20 District, there is apparently only one wind direction
21 which is mentioned, that which comes from the San Pablo
22 Bay.

23 I would like to point out that there are four wind
24 directions: north, south, east and west; and that these
25 winds affect not only my vineyard, but also the vineyards

1 within the proposed Stags Leap area and the microclimate
2 in more than just one wind direction.

3 The north wind comes over Rector. This is in our
4 area. During the spring and summer, the north wind blows
5 two to three days at a time, blowing day and night, and
6 it is very hot and dry. In the fall and winter, it is
7 generally cold. Coming down from the snow-covered
8 mountains, the wind can ice the ground, especially on the
9 east side of the hills, resulting in what the locals call
10 a "black frost." It's nothing but ice. You can't see
11 it. It's just regular ice.

12 On the south wind coming from San Pablo Bay, it
13 blows through the two notches between DePuy's and
14 Anderson's hills and between Anderson's and Simonson's
15 hills. It brings cool air, fog and rain, but no frost.

16 The east wind, Stags Leap cliffs; the east wind
17 does not blow often. When it does, it is cold, sometimes
18 with hail and frost or with heavy rain for a short
19 period of time. In the spring, it can be a killer. The
20 east wind blows right over Stags Leap cliffs and between
21 the Shafer and Ilsley properties. It can be very cold.

22 The west winds come over Mt. St. John. The west
23 wind is almost always cool or cold and frosty, with rain
24 heavy at times. There can be hail in the winter and
25 spring. The frost in the spring is generally caused by

1 the cold, west wind that dies down at night or in the
2 early morning. As long as there is a good breeze or
3 variable wind or light cloud cover, there is no real
4 dange of frost.

5 A good indicator that there may be a frost in the
6 morning is the fact that a west wind is blowing in the
7 evening during the spring season. The frost warning
8 reports on the phone and radio are very helpful, but they
9 are only a guide. It's like the weather reporter. It
10 may or may not rain, so take your raincoat or you may be
11 sorry.

12 I would like to say that I do believe that the
13 microclimate bit can be overdone. I prefer to give a
14 little more credit to our new technology and the
15 expertise of our new wineries and wine makers and
16 advertisement.

17 I would like to point out that the frosty weather
18 affects all of us in this area. In the Stags Leap Ranch
19 and in the prospective Stags Leap District, there are
20 wind machines and overhead sprinkling systems for frost
21 protection. They have frost at the Stags Leap Ranch and
22 in the proposed Stags Leap District, and we have frost on
23 the Silverado Trail where I live. I have seen the north
24 end of Stags Leap Vineyard burned badly by frost when
25 their wind machine failed to start. They had one on the

1 north end of the property that failed one night.

2 I have spent many days at Stags Leap Ranch during
3 the 20 plus years my brother was a foreman at Stags Leap.
4 We hunted together at Stags Leap and we visited very
5 frequently. We field-tested our grapes for maturity, and
6 there was no great difference in the same varieties. We
7 could never use the same picking crew because we were
8 always picking at the same time.

9 There are other factors that determine when grapes
10 mature. These are only a few: virus-free rootstock and
11 type of rootstock, selection of clone, variety of grape,
12 watering practices, cultivation, leaf removal, types of
13 and number of canes and head and stump suckering and,
14 also, types of pruning; cane pruning or cordon or head
15 pruning.

16 The final say belongs to the winery and wine
17 makers who decide at what Brix, acid and pH they want the
18 grapes. That can delay or advance the picking a week or
19 more from vineyard to vineyard. With all this and more
20 to worry about, Mother Nature can still have a greater
21 say as to when we pick.

22 Over the 40 years I have been growing grapes at
23 6341 Silverado Trail, I have never noticed that the
24 weather seems to stop at the little hills which
25 Mr. Shafer and his committee feel make such a splendid

1 boundary.

2 The natural winds blow from four directions or
3 combination of directions, variable winds. Mother
4 Nature didn't drop all the goodies just in one spot.
5 There are goodies to be found all over Napa Valley.

6 I believe my vineyard and the land of my neighbors
7 south of the Yount Cross Road should be included in the
8 proposed Stags Leap District Appellation. If it is not,
9 then I do believe they should go back to the original
10 Stags Leap Ranch area and the Parker Ranch east of the
11 Silverado Trail.

12 P.S. In regard to the presentation about the
13 rocks in Rector, I would like to point out that there is
14 a miniature Rector Creek at the north end of Stags Leap
15 that discharges into the Napa River. It has a large
16 drainage area and when it rains, you can see the
17 waterfalls from the west side of the Napa Valley. When
18 they replanted the east side of the vineyard, there were
19 many rocks of all sizes up to 100 pounds or more.

20 Some of the piles of rocks may still be there. I
21 suggest that your panel look at the rocks in Stags Leap
22 Ranch and check the creek. It may prove to be very
23 informational.

24 MRS. BARBOZA: Where was I? I was over here,
25 where I said I was more talkative.

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1 I have never considered myself to be part of
2 Yountville although, of course, we all have ties to both
3 Yountville and Napa. I think of myself as being part of
4 the community in our area of rural Napa County.

5 The committee makes a great point of identifying
6 most of the property owners in Mr. Anderson's petition as
7 living along the Yountville Cross Road. This is not
8 accurate. As a matter of fact, Missimers, DePuys,
9 Andersons and Weeks live on the Yountville Cross Road.
10 Chambers, Sinskey Wineries and Simonsons are all on the
11 Silverado Trail.

12 Let me address the two points which seem to
13 concern the committee the most: post office services and
14 water from the Yountville Water District.

15 While it is true that the mail for the four
16 property owners on the Yountville Cross Road now comes
17 from the Yountville Post Office, although actually
18 Missimers do not have mail delivered there, and that
19 these now have a Yountville address. The four properties
20 along the Silverado Trail have had, now have and will
21 continue to have a Napa address with mail coming from the
22 Napa Post Office, as does the mail for the wineries and
23 growers in the committee's petition.

24 If a Yountville address is really significant,
25 then please note that the address of one grower included

1 in the committee's appellation request, Elmer Freethy, is
2 listed in the phone book as "1467 Yountville Cross Road."
3 This would now be served by the Yountville Post Office.

4 Please also note that the Pine Ridge Winery labels
5 before 1986 showed "Yountville, California" as the
6 address, even those listed as "Stags Leap Cuvee." This
7 was reportedly changed to "Napa," at your agency's
8 request, which does not change the fact that the winery
9 originally considered itself allied with Yountville.

10 Note, also, that Pine Ridge Winery still has a Yountville
11 post office box. Here are the labels. I think you have
12 copies of those in the presentation.

13 MR. DRAKE: I certainly do.

14 MRS. BARBOZA: The phone book also shows
15 Yountville in listing the addresses of the following
16 people, all of whom ~~are included in the committee's~~
17 petition: F.S. Foote, Shafer Vineyard and Robert Egan.

18 Additionally, the Robert Egan property at 6236
19 Silverado Trail was advertised in 1978 by Moller &
20 Company as "Napa Valley Home & Vineyard, Yountville
21 area." Here is the real estate information for that.

22 The committee also feels that the relationship to
23 Yountville Municipal Water District is significant. As a
24 point in fact, there is no Yountville municipal water
25 district. Yountville has, according to Robert Myers, the

Exhibit
#30

Exhibit
#31

1 town administrator, a municipal water system which has a
2 contract for up to 325 acre/feet of water from Rector
3 Reservoir, which is owned by the State and another
4 contract for up to 500 acre/feet per year of North Bay
5 Aqueduct water if it is needed. If it is, then the City
6 of Napa treats the water. So they have here a water
7 supply and not a treatment supply.

8 It is true that Mr. Anderson receives domestic
9 water from the Yountville; however, neither he nor anyone
10 else is receiving agricultural water from the Yountville,
11 and all of us in both petition areas get our agricultural
12 water from wells or from the Napa River for some of them.

13 The fact that some homes along the Silverado
14 Trail mostly north of the Yountville Cross Road and the
15 Yountville Cross Road receive domestic water from
16 Yountville came about as an accident of history when the
17 State of California built Rector Dam as a water supply
18 for the Veterans' Home right here, and a pipeline was
19 laid and later relocated with a larger line.

20 If you feel that the history of this water service
21 is pertinent, I could furnish a more complete
22 explanation. I would be glad to send it to you.

23 Of more current interest is the contract between
24 the town of Yountville and Chimney Rock Golf Course,
25 which is to be a winery and which is included in your

FORM JN-323 REPLYING PAPER 3 1/2 X 5 1/2 500-950-0011

1 committee's proposed district. According to
2 Robert Myers, Administrator for Yountville, Chimney Rock
3 has had a contract as of 1979 and has agreed as of 1987
4 and for ten years thereafter to accept up to 400,000
5 gallons per day of effluent to water their golf course
6 under a permit by the Regional Water Quality Control
7 Board. After the 10-year expiration date, the contract
8 can be cancelled with a 3-year notice.

9 If the amount of water coming from Yountville is
10 significant, then I would suggest that the amount of
11 waste water greatly overshadows the amount of domestic
12 water furnished.

13 There are other ways completely overlooked by the
14 committee in which all of us share ties with both
15 Yountville and Napa and historically with the Yount
16 School District.

17 The oldest map that I have seen for Yount District
18 was on a wall in the Napa County Historical Society, and
19 that was dated, I believe, in the late 1890's. I
20 couldn't get a hold of that, so I went to the Assessor's
21 Office and their oldest map corresponds to the written
22 description of school districts dated 1913.

23 Here it is.

24 (Mrs. Barboza indicates areas on map.)

25 They have Yount District on Number 7 and

Exhibit
#37

1 Yountville District on Number 8. This is Yount District
2 Here is the cross road. Here is the Silverado Trail.
3 Here is the Napa River and, as you can see, we're all
4 included in the Yount School District.

5 This was later divided and for a time all of the
6 proposed Stags Leap District Appellation Area, including
7 that by the Yountville Cross Road, was included in the
8 Yountville Union Elementary School District. When the
9 Napa Valley Unified School District was formed, the
10 Yountville attendance area still included and does now
11 include all of the proposed areas covered by both
12 petitions.

13 I have outlined in blue the Napa Valley Unified
14 School District, which goes up just north of the
15 Yountville and on the Silverado Trail that goes up to
16 about the State Game Farm, and in pink is the Yountville
17 attendance area which goes up here and Yountville over
18 here to the State Game Farm all the way down to the
19 Silverado Trail to the cross road. So all of this is in
20 the area of the schools.

21 This is a (1983) statement by the Principal of
22 Yountville, that he understands the northern boundary
23 attendance area is the Yountville Cross Road and the
24 Silverado Trail and the southern boundary is Oak Knoll
25 Avenue.

Exhibit #32

Exhibit #32

1 So I didn't know if you'd rather have this
2 attached to that other map. That first part is with the
3 old map.

4 Telephones: Both Yountville and Napa numbers are
5 listed for people in the areas under consideration.
6 According to Pacific Bell, it is quite expensive to have
7 a Yountville phone in the baseline area for Napa and vice
8 versa in the Yountville area. When one lives in rural
9 Napa County, one pays by the 1/4 mile from the baseline
10 boundary of either area and, thus, we all have the option
11 of either a Yountville or Napa phone, depending on how
12 much we care to pay.

13 I myself chose a Yountville phone, both because it
14 was less expensive and because one can phone toll-free to
15 both Napa and St. Helena.

16 Here is a list from the 1987 Napa County phone
17 book giving names, addresses and phone numbers of some of
18 the people included in both petitions. Not everyone is
19 listed in the phone book, and it's not complete, but it
20 is very representative. It includes both Napa and
21 Yountville numbers.

22 Chamber of Commerce: In Yountville, the members
23 of the Yountville Chamber of Commerce, per the attached
24 brochure, lists S. Anderson Vineyard, Shafer Vineyards,
25 Silverado Vineyards and Robert Mondavi. I have outlined

Exhibit
#33

1 those in pink.

2 I made a phone call to the Napa Chamber of
3 Commerce. They said that Clos du Val, Shafer and Stags
4 Leap and Silverado belong to the Napa Chamber of
5 Commerce. Then I have here something which is called
6 "Yountville, Oakville and Rutherford in the Napa Valley,"
7 and we have listed, S. Anderson Vineyards, Clos du Val
8 Wine Company and Shafer Vineyards.

9 This is a little brochure they had for a wine
10 tasting put on by the Chamber of Commerce. These are the
11 same as Yountville.

12 911 Services: If there is a fire, according to
13 the Forestry Department in St. Helena, they dispatch the
14 equipment thus: If it is an auto accident and if it's
15 closer to Yountville, they send Yountville and Rutherford
16 equipment. If it's a fire south of Yountville Cross
17 Road, they will send Yountville and Napa equipment plus
18 volunteers, the number depending on the incident. If
19 it's north of the Yountville Cross Road, they send
20 Yountville and Rutherford equipment.

21 As for the sheriff, the ambulance and the highway
22 patrol, we all get the same service.

23 Napa County road maintenance: The Yountville road
24 maintenance crew takes care of the roads in both the
25 petition areas. They go from Oak Knoll Avenue up to

Exhibit
#36

Exhibit
#35

1 Highway 128 and across the Yountville Cross Road to the
2 Yountville town limits.

3 Elections: All of both petition areas are
4 included in two voting precincts. Those living on the
5 west side of the Silverado Trail are in Precinct 311052,
6 and those living on the east side of Silverado Trail are
7 in Precinct 311051; and those two precincts go to the
8 hills. Both precincts vote in the same place.

9 In the past, the voting place has been Soda Canyon
10 School. Last time it was Chimney Rock Golf Course. A
11 place is still being sought for the next election, but
12 wherever it is, the elections office expects both
13 precincts will be voting there.

14 I hope I have laid to rest the idea that we in
15 Mr. Anderson's petition area are somehow more allied to
16 Yountville than are those in the Stags Leap Appellation
17 Committee's petition area. Whatever you may call the
18 boat we are in, we are all in the same boat together.

19 Having said all that, I am reminded of when my son
20 used to say, "So what, Mom?" All of what I have said has
21 little to do with the northern boundary of the proposed
22 Stags Leap District Appellation. It brings to mind the
23 story I read about Fred Allen who said on the radio that
24 he was convinced that CBS had a special vice-president in
25 charge of making mountains out of molehills. They were

1 allowed a whole day, but a clever mountain maker could be
2 finished by lunch time.

3 I am convinced that somewhere on the Stags Leap
4 Appellation Committee there is a truly talented mountain
5 maker who could be finished in time for the morning
6 coffee break.

7 In conclusion, I would like to say that in the
8 past, one of the great aspects of living in my part of
9 rural Napa County was the sense of community and the
10 friendliness of our neighbors and the knowledge that we
11 were all willing to help each other if the need arose. I
12 think we will lose something very precious if those
13 feelings disappear. I hope that when this appellation is
14 settled, we can go back to being friendly neighbors on
15 the Silverado Trail and the Yountville Cross Road.

16 Thank you.

17 MR. DRAKE: Thank you.

18 I am not sure if I should ask you or your husband,
19 but as long as you are there, I will ask you.

20 He mentioned a creek that came down and went into
21 the Napa River. Can you show me where that creek is.

22 MRS. BARBOZA: Come on up, Benny. Does this show
23 it? I think it's easier to find over here, I think. See
24 if you can find where Stags Leap is.

25 MR. BARBOZA: At the end of Stags Leap, the canyon

1 instead of going out, like they said yesterday that the
2 wind would make a right-angle turn. Right between
3 Mr. Shafer's property and Stags Leap there is a canyon
4 that goes straight on up. It's a gradual slope that's
5 heavily wooded.

6 MR. DRAKE: Is that south of Shafer or to the
7 north of Shafer?

8 MR. BARBOZA: South; and it's heavily wooded.
9 That's where the waterfalls end up from the rock cliffs,
10 and there is a tremendous volume of water that goes
11 through there. It goes through there; it goes behind the
12 Tommy Parker place and comes down there by Winiarski's;
13 then from Winiarski's it goes across Mondavi's vineyard
14 and into the river.

15 (Mr. Barboza indicates areas on map.)

16 MR. DRAKE: Thank you.

17 Mr. Ficaretta.

18 MR. FICARETTA: I have two questions.

19 In one of the second comments you received by
20 Mr. ~~Amizetta~~^{Alonzi}, his property, I believe, is adjacent to
21 yours; and his comment was that he has basically always
22 been known as or considers himself as being ~~Alta~~^{Yountville}, but not
23 Stags Leap. He has sent in another commentary.
24 Unfortunately, I have not been able to get to the table
25 to gather the originals, but what is your reaction to

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that?

MRS. BARBOZA: Number one, Mr. ^{Moruzzi} ~~Amizetta~~ lives in St. Helena. He doesn't live around here. Number two, if I had Chenin Blanc to sell, it wasn't in terribly great demand and I had a contract with the winery that told me I had Yountville wine that was on the label, I'd say, "Yes, sir."

MR. FICARETTA: The other question I had, you mentioned about the weather stations. I have been listening over the past two days. I'm not quite sure if I understand what it does or what it doesn't do. Does it register wind?

MRS. BARBOZA: Do you mean here or at the home?

MR. FICARETTA: I thought you said that the weather station did not register wind patterns and speeds and velocities.

MR. BARBOZA: Just the rainfall and temperature.

MR. FICARETTA: So when somebody made a comment earlier today, it was a shame we didn't have them set up. We could monitor the --

MR. BARBOZA: When I came to work here, that was part of my duties. I worked in the maintenance department, and I used to take water samples and temperatures and send them into the Department of Water Resources. It's an official station. I also reported to

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1 the Napa Register every morning.

2 MR. FICARETT: Thank you.

3 MR. GAHAGAN: In your letter to our office in
4 Washington dated March 1987, you state at the bottom of
5 page 1, "In the '60's, the University of California
6 distributed data entitled, 'Grape Classification by total
7 solids and total acidity,' which wineries could use to
8 help determine grape growing regions and kinds of grapes
9 grown within each region described below on the map,
10 with Yountville Cross Road as a boundary between regions
11 one and region two."

12 MRS. BARBOZA: I noticed when I was sketching the
13 first submission by Mr. Shafer's exhibit, I believe
14 they have a map of that and a little more on the data.

15 MR. GAHAGAN: You said that you have a map?

16 MRS. BARBOZA: I think in the first presentation
17 about Mr. Shafer's exhibit.

18 MR. GAHAGAN: Part of their original petition?

19 MRS. BARBOZA: Yes. Mr. Littens (phonetic) will re-
20 enforce that because he was Farm Advisor at the time.

21 MR. GAHAGAN: Thank you.

22 MR. DRAKE: Anything else?

23 MRS. BARBOZA: Would you like this map?

24 // // // // // //

25 // // // // // //

Hillman

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MR. DRAKE: Mr. Hillman.

MR. HILLMAN: Yes.

MR. DRAKE: You're on.

MR. HILLMAN: Thank you.

I'm Kendall Hillman. I represent S. Anderson Vineyard in this matter. I want to start with the disclaimer. You are soon to find out why I am not a litigator. I am a business attorney.

Fortunately I have been brought into this. I have thoroughly enjoyed working with the Andersons and their neighbors collecting data, writing about this and meeting with people you have already heard from earlier today discuss Stags Leap. I'm sure you'll have to agree that they are quality people on both sides, sincere, straightforward and they supplied some very useful information.

Unfortunately, I have been here the last two days, and I haven't seen my secretary to finish the outline of what I wanted to say.

Mr. Mendelson began by describing the primary criteria that must be established before a viticultural area will be accepted by ATF. Section 4.25a will be outlined in the procedures for proposing an American viticultural area. As you well know, those are the historical and current evidence of the boundaries of the

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1 viticultural areas.

2 Evidence related to the geographical
3 characteristics, evidence that the proposed name is
4 locally or nationally known, and then a description of
5 the specific boundaries of the viticultural area based on
6 features which can be identified on the USGS maps like
7 this.

8 Much had been made yesterday of the name "Stags
9 Leap," what it corresponds to and what boundaries are
10 delineated by the area referred to as "Stags Leap." You
11 have heard today from John Anderson, Mr. Stan Anderson
12 and others, specifically, the representative from Sinskey
13 Winery, that there is a fact of recognition of Stags Leap
14 to include their area; so it's not 2100 items, as we
15 heard from Mr. Anderson yesterday and, unfortunately, I
16 think I deserve credit or blame for that large part.

17 When the Andersons first came to our office and
18 asked us to help them to become included in Stags Leap
19 District, our office and myself in particular were a
20 little green as to how to go about this. Unlike
21 Mr. Mendelson who will be speaking a little later, we
22 don't have the experience in the viticultural areas. We
23 don't have experience in the ranks of the ATF, but we
24 gave it the best efforts we could.

25 Soon after I first spoke with the Andersons, they

1 asked myself and the partner in our office if they should
2 start generating name recognition, start putting things
3 on their labels and their advertisements, et cetera. My
4 thoughts and those of the partner was that, number one,
5 it's clearly, if you use it on the label, against ATF
6 directives. Number two, the history is that's something
7 that is likely to result in litigation, which I never
8 recommend to a client.

9 So in fact, there is not a stack of paper, not
10 that the Andersons haven't always since the first moment
11 they've spoken with me considered themselves Stags Leap,
12 not that their neighbors since the first moment I've met
13 them always considered themselves Stags Leap. There's
14 never been a doubt. There's never been confusion;
15 however, they all have responsibly not represented
16 themselves as a part of a viticultural area that did not
17 exist.

18 As to the criteria for the establishment of the
19 viticultural area, I would like to take them one by one
20 and both refute some of the evidence that has been
21 presented yesterday and show how the members of
22 essentially the small group or committee that is made up
23 of the Andersons and their neighbors have established
24 those criteria, have met the criteria and, therefore,
25 should be considered a part of that Stags Leap

1 viticultural area.

2 In spite of Mr. Stuart's contention yesterday that
3 the Stags Leap District had a definitive boundary from
4 the early 1980's, it was demonstrated by John Anderson
5 earlier today that through at least 1985 there was
6 disagreement among the petitioners themselves as to the
7 boundaries of the proposed viticultural area.

8 You will remember that Mr. Anderson cited an
9 article in the Wine Spectator where numerous quotes from
10 the petitioners were inconsistent as to what is and what
11 is not Stags Leap.

12 Specifically, it wasn't until June of '86 when
13 Silverado filed its second amendment to the original
14 petition that the Silverado properties and additional
15 properties to the Mondavi's were included in this
16 "already defined area." That's my understanding of the
17 early 1980's.

18 I want to preface some of what I have to say in
19 that when I began collecting material, my best guide was
20 the petition itself because, as I have said before, I
21 wasn't terribly familiar with what it takes to become a
22 viticultural area. So a lot of material that we used as
23 a basis for the establishment of this, our boundary, came
24 straight from the petition that was filed by the
25 appellation committee. Some particularly interesting

1 aspects of that petition I would like to point out to you
2 at this time.

3 Anthony Dias Blue, a highly respected wine
4 commentator, wrote an article that is included in the
5 original petition of the Stags Leap Committee, and I
6 think you have a copy of that before you attached to my
7 outline, that "The Stags Leap District is located a mile
8 from Oakville on the east side of the valley." Now this
9 as I've already explained was contained in the
10 appellation committee's petition.

11 (Mr. Hillman indicates areas on map.)

12 Oakville, if you don't know, Yountville Cross Road
13 is here. Oakville is this location. The scale being
14 about a mile, not only are the Andersons included in such
15 a description, significant vineyards that have been
16 excluded by both the Andersons and the appellation
17 committee were included in such a description.

18 Also, as Mr. Stuart pointed out in the hearing
19 yesterday, Richard Paul Hinkle, another highly respected
20 wine commentator, described what he believed to be the
21 boundaries of the Stags Leap District in an article that
22 appeared in Vintage Magazine in September of 1981.

23 As it was clearly pointed out yesterday, those
24 boundaries included the extension of the Yountville Cross
25 Road which is essentially what is being proposed by

1 Mr. Anderson and his neighbors. But it also included only
2 the properties on the east side of the Silverado Trail,
3 once again, including some of the Andersons neighbors,
4 but excluding large portions of the appellation
5 committee.

6 Again, this appeared as an exhibit to the petition
7 itself. If the petitioners had such a clearly defined
8 boundary, then I would expect that this would not have
9 been included and would, in fact, be specifically
10 excluded.

good
point

11 Harvey Steiman, another respected wine
12 commentator, also wrote an article that was also included
13 in this original petition. This one is dated March 9,
14 1983, and appeared in the San Francisco Examiner.
15 Mr. Steiman wrote:

16 "Another district that produces
17 remarkable Cabernet Sauvignon is Stags
18 Leap on the east side of the valley,
19 stretching along the lower slopes of the
20 Mayacamas Range south of Oakville."

21 Another reference to "Oakville." Mr. Blue, Mr. Steiman
22 and Mr. Hinkle have all disagreed as to what is
23 nationally known as "Stags Leap" and locally known as
24 "Stags Leap"; but in fact, each one of them have
25 included, at least in part, Mr. Steiman and Mr. Blue,

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1 totally the Andersons and their neighbors.

2 The Napa Register, as I pointed out before, is
3 essentially the local newspaper of this valley. It's a
4 daily newspaper published out of the City of Napa. It's
5 Appellation Magazine has been cited to on numerous
6 occasions both today and yesterday. We've had extensive
7 discussions concerning attraction, the method for
8 including what viticultural area you are to be part of,
9 et cetera.

10 In February 5 of 1987, which was after the
11 Andersons approached me, and I assure you there was no
12 effort made by the Andersons, myself or anybody else
13 connected with the Andersons efforts to generate this
14 press.

15 In the February 5, 1987 issue of the Napa
16 Register, the newspaper published a map of which appears
17 on that opposite wall. That map specifically includes
18 S. Anderson Vineyard and Sinskey Winery as part of the
19 Stags Leap area. The map is clearly labeled as the
20 "Stags Leap Area."

21 Dr. Anderson's properties and Sinskey Winery are
22 clearly included. That is, I would think, clear evidence
23 of a local recognition of the Andersons as a part of
24 Stags Leap. Also, the article specifically states, as
25 pointed out before, that the new winery in the Stags Leap

1 area has been approved by the Napa County Planning
2 Commission and that winery being Sinskey Winery.

3 A later reference in that same article refers to
4 the Sinskey Winery "in the world-famous Stags Leap area."
5 So the map and the article both clearly and equivocally
6 includes the Sinskey Winery in the Stags Leap area.
7 Clearly the proposed Stags Leap District is locally and
8 nationally known. Also, it's clear that as recently as
9 February of '87, the boundaries were in a flux and also
10 included the Andersons and their neighbors.

11 As I explained earlier, approximately at that
12 time, I specifically recommended to the Andersons not to
13 start generating press. Possibly, I hope not, I had a
14 misunderstanding of what the criteria of the
15 establishment of the viticultural area were. I didn't
16 believe its self-serving press was part of the evidence.

17 I'm confident that the Andersons have put their
18 machine to work, so to speak, and as Dr. Chambers has
19 already explained, if he had posted a sign in front of
20 his house, then we could have possibly started to
21 generate that pile of paper that was presented to you
22 yesterday. Unfortunately, that wasn't done, and my only
23 hope is that efficient marketing does not become criteria
24 for the establishment of the viticultural areas now or in
25 the future.

1 Also, much has been made of the fact that
2 Mr. Anderson uses the Yajome land grant as a northern
3 boundary to the Stags Leap area and that certain land
4 grant is less than an ideal boundary, to be generous.
5 Mr. Mendelson and Mr. Andrus specifically seemed
6 particularly offended. However, I think it is important
7 to remind the ATF, as well as the appellation committee
8 and the other people present, that the Yajome land grant
9 as a boundary was not the invention of Mr. Anderson.

10 In fact, the proposed appellation committee first
11 suggested the Yajome land grant as a boundary. As
12 Mr. Anderson writes in his comment, "There is a
13 remarkable correspondence between the boundaries of the
14 northern portion of the Yajome Rancho and the boundaries
15 of the Stags Leap District as proposed."

16 The appellation committee in its second amendment
17 was fully in agreement. In their second amendment they
18 wrote that, and I paraphrase, "1900 acres of the Yajome
19 Rancho closely corresponds to the Stags Leap District."
20 That appears as Exhibit E, attached to my presentation;
21 and I assure you it's also in the second amendment to the
22 appellation committee's submission.

23 Further comment as to history, Mr. Heintz
24 described a close-knit viticultural district that existed
25 in the 19th century as a Yountville district somehow

1 segregated from the rest of what is now to be considered
2 in the minds of the committee "Stags Leap."

3 In the appellation committee's petition to the
4 ATF, however, many of these same landowners that were
5 cited by Mr. Heintz yesterday were referred to as
6 evidence that "substantially all of the newly added
7 acreage (the acreage added by the second amendment to the
8 petition) within the Stags Leap District viticultural
9 area was actively involved in grape growing and wine
10 making at the very beginning of viticulture in Napa
11 County."

12 That is a direct quote from the submission by the
13 appellation committee, and if you will refer to
14 Mr. Heintz' letter and the appellation committee's
15 submission, you will see that those names are remarkably
16 correspondent to the names that Mr. Heintz referred to
17 yesterday as "Yountville viticulturists."

18 Another exercise I would like to walk us through
19 here, yesterday I listened to Mr. Heintz with great
20 interest. When he described the seven subdistricts that
21 were established in the Yountville area, and one of them
22 being Mr. Grigsby's who, he extrapolates, corresponds
23 very closely with the proposed Stags Leap area as
24 proposed by the appellation committee.

25 When I first read this in approximately June of

1 last year, I immediately wrote, through Mr. Anderson, to
2 the ATF to explain that I felt Mr. Grigsby, who "filed a
3 Parker report on the vines in his district," was very
4 ambiguous and far from establishing any kind of distinct
5 or understandable boundaries.

6 That quote is directly from a Napa Register
7 article that Mr. Heintz referred to yesterday and that
8 was referred to in Mr. Heintz letter dated -- I have it
9 before me -- dated May 21 of '87 and, again, described in
10 the letter from the Andersons in late June of '87.

11 What I would like to do with the Yountville
12 quadrangle here is essentially mark off, in our minds,
13 the other six of the seven districts that are more
14 clearly defined and see what we have left and see if that
15 truly corresponds with the appellation committee's
16 proposed viticultural boundaries.

17 The first area referred to was Mr. McClure's
18 subdistrict west of the Napa River and south of Sonoma
19 Road, the Napa River being approximately here, widening
20 down here. Sonoma Road in this area. This essentially
21 closely corresponds with.

22 (Mr. Hillman indicates areas on map.)

23 The second subdistrict was east of the Napa River,
24 extending from the asylum, which is the State Hospital,
25 to Soda Springs. State Hospital is located here. We are

1 on the east side of the river up to approximately Soda
2 Canyon; this general area east of the river, also not
3 Stags Leap; Stags Leap beginning, as proposed by the
4 committee, approximately here south of Stags Leap, west of
5 the river.

6 The next subdistrict was Leonard Coakes. His area
7 was the main valley to south of Yountville to the Napa
8 City. The main valley would be between these two ranges.
9 The Yountville being approximately here south of the City
10 of Napa in this area, possibly encompassing the lower
11 portion of the viticultural area as proposed by the
12 committee in the boundary agreed to by Mr. Anderson,
13 which is clearly south and in the main part of the valley
14 on this map approximately here, continuing to the City of
15 Napa. So already we possibly exclude part of Stags Leap
16 District.

17 The next reference is to Browns Valley, Mr. Nee.
18 Browns Valley is this general area, not included in the
19 Stags Leap District, seldom even touched the northern
20 portion of the Stags Leap District.

21 The sixth, Wild Horse Valley to Sonoma County.
22 That's essentially off the map. Excuse me, that was the
23 fifth, not the sixth. The sixth was Mr. Grigsby, so
24 we'll have to skip Mr. Grigsby and go to the seventh,
25 which is Redwood Napa Mt. Veeder, Mt. Veeder being

1 approximately here, Napa Redwoods in this area.

2 So you see what we have left is a huge area that
3 fully includes Mr. Anderson and his neighbors, unlike
4 Mr. Heintz' extrapolation, having no significance
5 whatsoever to those two knolls and, most likely, not
6 including the southern portion of the appellation.

7 Now I have to admit that I think it's been
8 stressed by numerous people that Stags Leap historically
9 was just a ranch located back in this area.

10 Other than that, as Mr. Winiarski has quoted in
11 the Wine Spectator, "The history began with the Paris
12 wine tasting." Historically, I think too much has been
13 made of the Yountville community and, I guess, the Stags
14 Leap community, though it's never referred to as
15 anything but Napa, even by Mr. Heintz.

16 Through this is the Yountville Cross Road.
17 Mr. Yount's plantings were above the cross road, and if
18 we are going to correspond things, Yountville to Yount,
19 maybe above the cross road is a good boundary. That's
20 purely speculation. My point is history is less
21 imperfect in this situation. There is a significant
22 historical boundary as pointed out by Silverado and
23 ourselves, Mr. Anderson and his neighbors.

24 Other than that, the history of Stags Leap is
25 generally a few buildings and a resort that is slightly

1 less than 100 years old.

2 Mr. Dulinsky has spoken about this area being
3 historically not planted, and I know that's been a
4 concern. Mr. Dulinsky has personal knowledge after
5 speaking with people in that area. At least a
6 significant portion of time it was a marsh. True, it may
7 not have been a marsh in the 1890's.

8 Mr. Dulinsky has spoken with me on numerous
9 occasions and has explained to me, and he explained
10 briefly to you, that there were numerous springs, creeks
11 and other waterfalls in that area; and they have all
12 shifted; not like the Napa River has shifted and ran over
13 this area, as Professor Elliot-Fisk described, but
14 shifted all the same. Just because it was possibly
15 planted in the 1890's does not mean that area was not a
16 marsh and does not continue to this day to have problems
17 with water drainage.

18 So historically, I guess, the ultimate comment is:
19 There is some, it's not perfect. Whatever it is, the
20 Andersons and their neighbors are part of it, as
21 described by Mr. Dulinsky and Mr. Barboza, who have been
22 intimately involved with this area for 30, 40 or more
23 years.

24 We have addressed the fact that there is current
25 and historical evidence of the boundaries: the Napa

1 Register article and the discussion of the limited
2 history. So the northern boundary proposed by the
3 Andersons are at least as good historically as anything
4 that's gone before it. The boundary that cuts this area
5 off altogether, the boundary that is jagged across here
6 and this boundary, at least, if not more so, has
7 historical significance -- at least.

8 We now go to what is probably the crux of this
9 matter: the climate, soil, elevation, physical features,
10 essentially, the geography. Unfortunately, I have a
11 grand total of approximately 16 units at UCLA studying
12 geography. I'm far from qualified to make any
13 observations other than what I think is obvious.

14 What I think is obvious, number one, is to
15 point out earlier there are whole silt lower soils on
16 both sides of the river, particularly in this area. You
17 will see the chartreuse green on that map, clearly on
18 both sides of the river.

19 Also, the aqua, which I am not certain as to the
20 description, is clearly on both sides of the river which
21 is in opposition to the statements made yesterday, "The
22 reason the river is a good boundary is because it
23 separates soil types." It's not true; you can see it.

24 Also, there is climate discussion. The climate is
25 centered on the wind flow. Wind flow comes through this

1 funnel, block at these two knolls, turning directly into
2 the valley, if I recall; and I am certain this is
3 correct. Mr. Schukraft's map, taking another direct
4 right-angle turn here. That one I didn't understand.
5 I'd like Mr. Schukraft to clarify that. There is nothing
6 here, unless I guess this current picks up.

7 So we have two right-angle turns. We are looking
8 at a topographical map, and we have to trust him on this
9 if you don't have one before you. But this area here
10 opening to this funnel and the area on this side of the
11 hill and the crop of these hills and on this side of this
12 knoll are within 20 feet, the same elevation.

13 The air has been building; this elevation is
14 slowing growing. It gets to this point. It's at or near
15 the elevation lengths of this area, this area and this
16 area; yet it's blocked completely from continuing in that
17 direction. That point has been belabored many times, so
18 I'll quit there. I think it's obvious that that can't
19 happen. I think it's obvious, as Mr. Anderson explained.

20 What, in fact, happens is through this gap, as the
21 representative from Sinskey Winery testified to; through
22 this gap, as Mr. Ficaretta testified; through this gap,
23 as Mr. Missimer has testified, ~~there is a strong wind.~~
24 There is no right-angle turn.

25 The best barometer of that that has been offered

1 by anybody is the topography of Dr. Chambers. Look at
2 those vines. It's clear that something is influencing
3 them to grow in the direction they grow, something that
4 doesn't exist in the areas of here and here.

5 Mr. Egan yesterday testified that the difference
6 between his property in this area and his property in
7 this area is that the wind doesn't blow up here. What
8 Mr. Egan's talking about is the fact that as it goes
9 through these gaps, it accelerates, then it opens and
10 dissipates.

11 So quite possibly as it opens into the valley, the
12 acceleration is decreased. What could quite likely be
13 happening, though, this isn't quite the exact point, but
14 at or near that cross road, the wind level once again
15 dissipates and is no longer affected by this funnel,
16 these gaps, the venturi effect throughout.

17 Something that I think is important to point out
18 at this point, is the climatic studies offered by
19 Mr. Schukraft. I quote from the second amendment to
20 Stags Leap petition.

21 "Air entering the southern end of the
22 district will be accelerated as it passes
23 through the narrow gap in the hills along
24 the Silverado Trail."

25 Possibly here, more likely here, from his

1 discussion, the way I read that description.

2 "This increase in air flow through the
3 gaps will also be experienced in the northern
4 portion of the area before fanning out and
5 weakening in the center of the Napa Valley
6 and rushing to the river."

7 So by his logic, it goes through here, fans out
8 and weakens; and that's why this area is not part of
9 Stags Leap.

10 Apply that same logic to the fact that we now know
11 that this wind has to blow in this direction. We have
12 people who have experienced it; we have grapes that grow
13 showing it. It dissipates here and then it would
14 dissipate here, by Mr. Schukraft's own logic, after it
15 passes through those gaps. So now we have a climatic
16 boundary across here. It opens up through the valley
17 after going through these gaps and dissipates, as Mr.
18 Egan has himself testified.

19 It's also important, and I know that you have all
20 noticed this. There has been no discussion south of the
21 funnel, west of the mountains, in regards to climate or
22 geography. We're talking about a river flow that was at
23 250 feet and supposedly missed these 300 foot hills. I
24 don't know a thing about it. I don't understand it. I
25 guess there could have been an upheaval that shrunk these

1 hills or raised this land or something.

2 Now there is a river basin here. That's why we
3 geographically relate there's a Stags Leap. This is a
4 riverbed. Why is this Stags Leap? Why is this Stags
5 Leap?

6 Mr. Mendelson began our discussions by saying
7 what's important is a cultural distinctiveness. That's
8 why S. Anderson Vineyard and his neighbors have to be
9 excluded. Why? I don't understand.

10 Why is this boundary viticulturally distinct,
11 which is no more than a drainage creek? This boundary is
12 culturally distinct. Soils and climate are the same on
13 both sides. This boundary is viticulturally distinct,
14 maybe if you don't plant grapes above 400 feet. But this
15 boundary has no significance; it's not distinctive.

16 The same arguments that had to apply to this
17 boundary work equally, if not more so, to these others.
18 If the cultural distinctiveness was the sole criteria,
19 all that mattered was that all of the grapes be the same
20 distinctiveness, then Stags Leap might be this area.
21 Other than that, we have to admit that there are
22 similarities, but it is not a true, hard line
23 distinctiveness.

24 I spent a little time, believe me it was not
25 exciting, going through the ATF Regulations and reading

1 about the various boundaries of viticultural areas that
2 you've established. I don't want to belabor this point,
3 but I know you are aware of that fact that at least
4 three-quarters of the viticultural areas that you've
5 established since April of '87, at least three-quarters
6 of the roads are boundaries.

7 Whether it be on approved roads, whether it be on
8 interstate highways, whether it be a small dirt road,
9 whether it be a lane, avenue or boulevard, at least
10 three-quarters of viticultural areas have roads as
11 boundaries.

12 Now, unless all those instances arose are true,
13 viticulturally pure and distinct boundaries, then I find
14 it hard to believe that we can't bend a little and accept
15 this road which does have viticultural distinctiveness.
16 As explained by Mr. Dulinsky, these soils are very
17 different. It does have viticultural differences as
18 explained by Mr. Egan and Mr. Chambers' pictures. The
19 wind does have viticultural distinctiveness because the
20 soils are the same here as here.

21 That boundary is a good boundary. It's not
22 perfect, but it's a good boundary. It's got history;
23 it's got a little climate; it's got a lot of soil. It's
24 a good boundary. Some of the other boundaries that have
25 been used kind of surprise me. Railroad right-of-ways,

1 power lines and national parks.

2 In theory, it's a good point. In theory, it would
3 be nice to have perfect viticultural areas, but I think
4 in fact it's impossible, and because it's impossible to
5 have perfect boundaries, because these two knolls are far
6 from perfect boundaries.

7 Because of that, I can't imagine how you can
8 justify the exclusion of people who have established
9 before you in the last day, and one witness yesterday, an
10 alternate and significant boundary that is equally as
11 good, if not better, than the northern boundary proposed
12 by the committee.

13 I want to take a pause here and make sure I didn't
14 forget anything. I've been taking notes throughout and,
15 as I said before, this is to some degree a learning
16 experience to me. Mr. Seff and Mr. Mendelson have prior
17 experience with this, and I admire them both. This has
18 not been easy, especially when you don't have the
19 background and prerequisite knowledge and especially when
20 you're a business attorney and not a litigator.

21 I read in the publication announcing the hearing.
22 When I read that the marketing of wines has now become
23 significant, I picked up that phone right away. I don't
24 understand why now what you've marketed your wines and
25 grapes as is now significant to a viticultural area when

1 before, to my understanding, they had no significance.

2 I didn't realize until that publication that the
3 ATF considered what S. Anderson, what Dr. Chambers, what
4 Pine Ridge, what John Shafer, et cetera, considered an
5 advertising of wines as. I didn't realize that was one
6 of the criteria. I have to apologize to Dr. Anderson. I
7 screwed that one up.

8 I want to point out a reference, also, in their
9 petition, and this is brief, that there is an article
10 published in the Wine Spectator, January of '85,
11 discussing "Making wine in the shadow of Stags Leap." It
12 refers to Mr. Shafer's winery. In that article a
13 specific mention is made to the "'82 Chardonnay of
14 John Shafer."

15 Mr. Anderson has testified previously that he has
16 sold grapes to Mr. Shafer and that they've gone at one
17 point or another to a full third of this vintage. I
18 don't know if '82 was a significantly smaller portion,
19 but that to me is evidence, as has been testified to
20 earlier.

21 The Andersons and their neighbors have contributed
22 to the famous Stags Leap. Much was made yesterday to the
23 fact that they've only contributed to 7 percent, correct
24 me if I'm wrong. 7 percent of the total output of the
25 Stags Leap area of wines are from grapes grown in the

1 northern addition, the northern addition being
2 approximately this area.

3 They subtracted, if I remember, right.

4 Mr. Amizetta said 7 percent of the output in this area
5 came from this area. I did a quick calculation yesterday
6 comparing planted acreages. My quick calculation was 6.6
7 percent. This represents 6.6 percent of the whole, so
8 this represents 7 percent of their output. I think
9 that's a noble job. It means to me that some of these
10 grapes went somewhere, I guess.

11 Once again, I want to point out that
12 Ms. Elliott-Fisk, Mr. Schukraft and others have
13 concentrated on this funnel; and I don't want to belabor
14 the point, but I think it's obvious that there's a lot
15 more to this appellation, whether or not you include the
16 Andersons, than this funnel. Just because it's a pretty
17 picture here, doesn't mean it is here and doesn't mean
18 that this is a better picture than it is here.

19 Mr. Schukraft spoke yesterday and reiterated some
20 of the data he had collected for Silverado Vineyards,
21 first submission, second amendment to the petition.
22 Mr. Schukraft's data was collected at two points, roughly
23 here and here, between the end of September and the early
24 part of November.

25 Mr. Crowley earlier testified that there is no

1 significance and that the weather has no bearing during
2 that period of time. There's no growth on the vines.
3 This is not the growing season, to the end of September
4 through the beginning of November. So Mr. Schukraft's
5 data, by Mr. Crowley's argument, is irrelevant.

6 If that is the case, then the only people that
7 have proposed a climatic data are the people that have
8 lived there: Dr. Chambers, Mr. Egan, the Andersons, the
9 Missimers and the Barbozas.

10 I am sure I have left something out, but in the
11 interest of time, I'd like to address any questions that
12 anybody might have.

13 MR. DRAKE: I don't think you left anything out.

14 MR. GAHAGAN: One question. You mentioned that
15 the weather datas are irrelevant because they just
16 measured the conditions from late September to November.

17 MR. HILLMAN: Let me preface that by saying this
18 is not my argument. This is Mr. Crowley's statement to
19 Mr. Schukraft's data. Mr. Crowley said that Mr. Drake
20 had stood between the knolls and felt the wind. He said
21 that the wind blowing this time of year has no relevance
22 to the viticulture because this is not the growing
23 season.

24 Now I just applied Mr. Crowley's argument to
25 Mr. Schukraft's data and said, "Well, if that's the case,

1 if what Mr. Drake told me yesterday isn't important, then
2 what Mr. Schukraft collected is also not important."

3 MR. GAHAGAN: That would be the period of time
4 when the grapes are being harvested and some of them are
5 still maturing and could be photosynthesizing.

6 MR. HILLMAN: Late September. I'll take your word
7 for it. My understanding of the picking dates which has
8 been discussed is almost everything is off the vine by
9 September.

10 CHORUS OF SPEAKERS: No, no, no.

11 MR. HILLMAN: I'm sorry. I don't know. I do not
12 know. But assuming that through November, at one point
13 in time or another, that data let's say, has the least
14 advantage, because I am certain, maybe not, that by the
15 early November there is nothing still on the vines.

16 MR. GAHAGAN: Thank you, Mr. Hillman.

17 MR. DRAKE: Andrew Beckstoffer.

18 MR. BECKSTOFFER: Good afternoon. I am Andrew
19 Beckstoffer. I am a grape grower. I live in St. Helena
20 here in the Napa Valley. I own several hundreds of acres
21 here in the Napa Valley and in Mendocino County. I also
22 own the Napa Valley Vineyard Company, which is the
23 largest independent farming and vineyard management
24 company in the valley.

25 This is the fourth time that I've had the

1 privilege of testifying before this panel, in 1976 and,
2 again, in 1977. I testified three times as the then
3 president of the Napa Valley Grape Growers Association.

4 The subject of those hearings were the formation
5 of the regulations under which this hearing is being
6 held. I would remind the panel: We grape growers, those
7 who own the land and own the grapes that are being made
8 here, come to this process; and it is we and other
9 members of the wine industry who requested higher
10 standards and stricter definitions in the lengthy
11 process.

12 The bureau's purpose for existence, I think, is
13 for protection of consumer interest. That's our interest
14 as well. It's in the best interest of the wine industry
15 to growers and vintners alike that the consumer interest
16 be protected.

17 My testimony in those early hearings was aimed at
18 encouraging the enactment of regulations that would be
19 the most benefit to the wine-consuming public. We
20 consistently supported the bureau in its gradual movement
21 towards higher standards and increased precision in the
22 process by which viticultural areas would be recognized
23 and wines labeled.

Handwritten notes:
this implies earlier approval
our way of was very lax

24 We spoke in favor of higher minimum percentage
25 requirements for wines to qualify for varietal labeling.

1 We spoke in favor of higher percentage requirements for
2 wines, seeking a list to list the viticultural area on
3 the label. We spoke in favor of the bureau's retaining
4 jurisdiction over the appellation board and process,
5 rather than abdicating that to state and local bodies.

6 Most of us in the Napa Valley grape growing
7 industry applaud the final actions taken by the bureau.
8 For the most part, the Bureau of Regulations represented
9 a strong statement in favor of the need for precise,
10 meaningful viticultural designations, which when applied
11 to the wine bottle would give the greatest possible
12 benefit to the consumer.

13 In its notice 304 amended, regarding labeling and
14 advertisements of wine dated May 31, 1977, the bureau
15 stated:

16 "Viticultural areas and vineyards will
17 be termed controlled appellations and will
18 be subject to more stringent requirements."
19 Further stated: "Unlike countries, states
20 and counties, controlled appellations are
21 intended to cover areas with distinct
22 viticultural qualities, so that the
23 integrity of these appellations becomes
24 more important."

25 In its Newsweek release naming the Santa Maria

1 Valley viticultural area, the bureau in 1981 stated:

2 "The viticultural area is a grape
3 growing area, which is distinguished by
4 the unique characteristics, such as climate and
5 soil."

6 It further states:

7 "ATF believes that viticultural
8 areas based solely on man-made features
9 are inappropriate. In areas, however,
10 where man-made features coincide with the
11 distinguishing geographic features or act
12 as demarcation lines between grape growing
13 areas and areas not suited for grape
14 growing, it's appropriate to use those
15 features, too, in describing boundaries."

16 In the proposed boundary, unique viticultural
17 characteristics -- they don't get viticultural area
18 designations. You simply do the best you can. Areas
19 don't have to exist viticulturally. We need not bastardize
20 the processing for the consumer -- a mad dash to
21 create viticultural areas. Don't bend the rules.

22 First, you can define the historical precedence.

23 Secondly, you can define on the basis of viticultural
24 distinctiveness.

25 Thirdly, you can allow it to be defined by political
influence.

1 Looking over your efforts to create viticultural
2 efforts since the enactment of a very promising
3 regulation, many people in the industry feel there are
4 instances where political accommodations has played a
5 larger part in the process of recognizing the
6 viticultural areas than is appropriate. Given the clear
7 indication of your final regulation, if it's happened in
8 the past, let it stop here in the Napa Valley.

9 The only method for identifying viticultural areas
10 that further consumer interest is identification by
11 viticultural distinctiveness, supported by history where
12 at all possible. That's all we talked about in 1976 to
13 1977. History should be supported by viticultural
14 distinctiveness, especially where current consumer
15 protection has a large scope.

16 The consumer needs to know that the bottle of wine
17 carrying the viticultural area designation on the label
18 will probably have the viticultural character he or she
19 is looking for. The consumer does not care that the wine
20 might come from a vineyard located not far from the
21 vineyards that are known to have that characteristic.

22 He or she is looking only for the character or for
23 the distinctiveness itself. Political accommodation is
24 not in the best interest of the consumer. It is likely
25 to result in the consumer being misled, confused and

what does wine made from Cabernet have 2
common characteristics
of grapes in Stags Leap
are white

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unable to identify a wine that shares the common characteristics that the consumer is looking for.

The purpose of the bureau's activity in this field is not to create marketing tools for the wine industry. It is to protect the consumer by providing reliable, additional information regarding the likely character of the wine in the bottle.

I suggest, and the regulations seem to define, that your mission should be to recognize viticultural areas that would adequately reflect the viticultural distinctiveness of the wines made from the vineyards within the area's definitions.

Against that background, let me address the proposed Stags Leap District and the extension being sought by some of its neighboring owners. I have not heard all of the evidence that you've been subjected to, and I'm not going to tell you exactly where I think or where the line should be drawn. What I would like to tell you, I think you should be recognizing that line, based on my experience.

First, I believe that the Napa Valley is one of the finest table wine growing regions in the world. It's a viticultural area, in your terms. That's plenty, unless someone can show that there is viticultural distinctiveness in a unique smaller subappellation. The

1 Stags Leap District is one of the finest growing regions
2 within the Napa Valley.

3 You should recognize the distinctive character of
4 those grapes and wines that is solely responsible for
5 creating the reputation of the Stags Leap District, if
6 you can find viticultural distinctiveness in a limited
7 area where the grapes are grown that supply that
8 character.

9 You should not approve a request for extension of
10 the boundaries proposed by the petitioners, unless those
11 who request the inclusion can prove that their wine
12 produced from their grapes share the viticultural
13 distinctiveness of the district.

14 Second, the burden of proof of any boundary is on
15 its proponents. The proponents of the subappellation,
16 such as Stags Leap, should shoulder the burden of
17 proof that their boundaries provide viticultural
18 distinctiveness. The burden of proof of those who seek
19 to extend those boundaries should be on that party. It
20 should not be the case that the original proponents must
21 prove or disprove the case of those who wish to extend.

22 Thirdly, under your regulation, that burden should
23 be significant. This goes back to my comments on
24 politics and the consumer interest. Politics may favor
25 including anyone who can prove one or two environmental

1 or historical characteristics in common with the
2 neighboring viticultural area. Politics may mitigate
3 against growing vines that do not include everyone who
4 wants to be included, but these kinds of politics don't
5 benefit the consumer.

6 The consumer and the wine industry is benefited by
7 clear, strong, precisely defined viticultural areas that
8 are identified by the viticultural distinctiveness which
9 is shared by the grapes and the wine from that area.
10 Anyone seeking to establish or to expand the area's
11 boundaries must make a clear and convincing showing that
12 they have these common characteristics.

13 Thank you.

14 MR. DRAKE: Thank you, sir.

15 We tend to agree with you, by the way. Politics
16 should not enter, and rarely do; but there are times when
17 it does. PB

18 MR. DRAKE: Lee Hudson, replacement for
19 Ronald J. Wicker.

20 MR. HUDSON: My name is Lee Hudson. I'm a grape
21 grower in Carneros and a member of the Board of Directors
22 of the Napa Valley Grape Growers. I'm here instead of
23 Ron Wicker who was unable to attend. I have a brief
24 prepared statement, as you'll be happy to know. Lee Hudson

25 The hearing on the Stags Leap viticultural area

1 represents more than just another hearing. It represents
2 the distinction of a viticultural area and, thus, the
3 long-term welfare of the consumer.

4 As grape growers, then, it's no surprise that we
5 have a vested interest in what you call a "viticultural
6 area." We recognize that ATF has the privilege and
7 responsibility to protect the consumer. The consumer
8 needs to know what he or she is buying when purchasing a
9 bottle of Stags Leap wine.

10 It must mean the wine has characteristics of
11 distinct viticultural significance. I stress
12 "viticultural" because political differences in an area
13 do not relate, from the consumers' taste and standpoint,
14 to the product in the bottle.

15 If you are not certain from these two days'
16 testimony whether the proposed Stags Leap area is
17 distinctively different from other parts of the Napa
18 Valley viticultural areas, then the Stags Leap area
19 should not be granted a viticultural status.

20 This, again, is an attempt to protect the
21 consumer. One of your missions in the arena of
22 regulatory power is to protect the consumer and to
23 provide information within labeling rules, so consumers
24 are better able to make purchasing decisions based on
25 accurate information.

1 We believe "Stags Leap" used alone on the label
2 only serves to confuse the consumer. We have all worked
3 hard to educate consumers and to demystify wine.
4 Informative and truthful information on labelings is
5 essential. Hence, we believe that for clarification
6 where Stags Leap is located, you should require the
7 proposed label to read "Stags Leap Napa Valley" or "Napa
8 Valley Stags Leap." This will help avoid the confusion
9 created, when new viticultural area designations are
10 granted that exists entirely within another viticultural
11 area.

12 We as Napa Valley Grape Growers appreciate the
13 opportunity to be heard here. We know that you will make
14 a wise and judicious decision.

15 Thank you.

16 MR. DRAKE: Thank you.

17 I have a question. I'm not sure if I know how to
18 ask it the right way. You and Mr. Beckstoffer are saying
19 the same thing on the viticultural aspect of a wine.

20 Where does history fit into that? I mean,
21 historically where people may not be precisely in that
22 area where that viticultural character comes through, yet
23 for 40, 50, 60 years have marketed their product as part
24 of that area. I am thinking of Napa Valley as a general
25 term. When we did do Napa Valley, we took it farther

1 than the valley floor itself.

2 There is a great deal of history that goes back to
3 the 1800's, where they took apples and other fruit from
4 that area and marketed it in San Francisco as part of
5 Napa Valley. Should you ignore that?

6 MR. HUDSON: Wine itself is history; and it's what
7 we're concentrating on, what's in the bottle. To ignore
8 history is impossible because we are a product of it, but
9 the understanding that the consumer is looking for is
10 something that doesn't confuse them; that consistently
11 the same character is more important than the history
12 itself; and that the ultimate goal is to benefit the
13 consumer and not to purely benefit the marketing
14 strategies of an area; and that the history has an
15 insignificant point of view, relative to the final
16 product and the distinctiveness character of a wine.
17 That should be the main focus from our point of view, the
18 distinctiveness of the viticultural and any logical
19 characteristics of an area.

20 MR. DRAKE: Do you have any feeling about where
21 the Yountville Cross Road fits in, as far as the Stags
22 Leap area or district?

23 MR. HUDSON: We, I would have to say "we, as Napa
24 Valley Grape Growers," not myself, feel that the
25 boundaries are things that are your responsibility and

1 the burden of proof to be on the applicant. And we don't
2 profess to say where the boundaries stop and start.
3 That's something that is a very difficult issue and
4 something we would all like to get beyond and get on to
5 the process of making wine, growing grapes and selling
6 that to the consu in the least confusing manner.

7 The confusion that these areas have a potential
8 of creating is something we want to avoid. We want to
9 have this transition be as smooth and uncomplicated as
10 possible.

11 MR. DRAKE: When you come back to the
12 characteristics of wine, using Stags Leap District as
13 an example, must that be one kind of wine? Must it be
14 red or white only?

15 MR. HUDSON: I think we should, in that case, look
16 at the future and continue on without being too
17 restrictive. That's a personal point of view. From me
18 personally, I think it's too soon to jump on those
19 bandwagons without having enough evidence and that there
20 is obviously a distinctive character in certain regions
21 within the Napa Valley, and those are recognized today
22 and will be further explored as the process continues.
23 But to jump on to the restrictiveness of a varietal label
24 may be too soon, from my point of view. I can't speak
25 for the Napa Valley Grape Growers.

good
point
↓

contradiction²

1 MR. DRAKE: So more than one variety could
2 contribute to the renown of a viticultural area.

3 MR. HUDSON: Well, the imprint that an area has on
4 varieties in general should be significant and that the
5 marketplace and the wisdom of the grower and the winery
6 will, in essence, remove other varieties without us
7 having to regulate that. That will occur over time.

8 MR. DRAKE: Thank you.

9 MR. HUDSON: Thank you.

10 MR. DRAKE: Any questions?

11 MR. WEEKS: May I comment on that question. You
12 didn't ask me that question.

13 I want to say to you, again, as we started out, it
14 was strictly geographic features, of the words we talked
15 about earlier, that became viticultural distinctiveness
16 as modified by historical precedent.

17 In other words, historical precedent meant that
18 people, for whatever reason, were accustomed to tasting
19 this product as Stags Leap. Over a reasonable period of
20 time, you couldn't tell them, "This is not Stags Leap" or
21 "That's not the Napa Valley," but that's really very hard
22 to define, so it is viticultural distinctiveness modified
23 by the historical precedent.

24 There is a very small area that started out as a
25 hotel called the "Stags Leap." I went there in 1968, and

1 then we farmed some vineyards across the highway. Over
2 the years, certainly in my experience, when people wanted
3 to buy those grapes, they wanted Stags Leap grapes. They
4 had a character that was different. It was not only
5 Cabernet, it was Chardonnay and Merlot as well.

6 So you began to get a distinctiveness that is
7 known by the people who are making the grapes and selling
8 the wine. But it's a modification there and, I think,
9 for example, the hearings on Napa Valley where you opened
10 your arms, I think that's what we're saying here.

11 MR. DRAKE: Carl Doumani. *Doumani*

12 MR. DOUMANI: Good afternoon. I am Carl Doumani.

13 I am a partner in Stags Leap Ranch and Winery. I have
14 tried to cross things out of this list to make it
15 shorter, but I missed some things earlier, so I'll go on.

16 I'm here to support the boundaries proposed by the
17 Stags Leap District Appellation Committee. Our present
18 home in the winery was originally built in the late
19 1800's. The first known use of the term "Stags Leap" was
20 as the name of the Chasten's Ranch, which included the
21 manor house, some other buildings and wineries, the
22 surrounding acreage which includes the cliff overlooking
23 the valley and which the manor house is located.

24 We ~~purchased~~ Stags Leap Ranch in 1970, made some
25 wine there under the ~~"Stags Leap Vineyard"~~ label in '71;

1 and we've been producing wine since that time. About the
2 same time, Warren Winiarski purchased his property and
3 started planting grapes, producing wine. We used the
4 brand name, "Stags Leap Vineyard," at the time he was
5 using the name, "Stags Leap Wine Cellars."

6 We spent the next ten years in court trying to
7 find out what was going on and found out that we had both
8 used the name as we had been using it. We spent all that
9 time and money in litigation for one reason. We both
10 recognized the tradition that was inherent in the name,
11 and we were both working hard to refine and develop the
12 reputation. The fact is, in my opinion, that if it were
13 not for Warren and myself, I would probably not be here
14 today.

15 I'm not aware of a single reference to Stags Leap
16 appearing prior to 1970. That was not a reference to
17 what is now our ranch or the cliffs or the manor house
18 where the winery is located. It was a legal action and
19 the quality of the wines Warren and I were producing
20 which began to put the name into broader use.

21 When Warren's Cabernet won the 1976 Paris Tasting,
22 suddenly everybody had heard of Stags Leap. There was a
23 Time Magazine article, and that was when the name began
24 to be first applied to our general neighborhood.

25 It was about five years ago that Warren and I

1 realized an issue of who gets to use the words "Stags
2 Leap" and transcend our own differences. Thanks to our
3 lawsuits and explanations we had been making, many articles
4 were being written. The consuming public was becoming
5 educated on the differences between our wineries;
6 however, we noticed that other wineries and growers
7 started to use the words "Stags Leap" in some way.

8 Warren and I settled our differences and joined to
9 protect our proprietary rights to the words. We have
10 worked cooperatively since that time, going so far as to
11 jointly produce a Cabernet, in the name of court, to
12 further distinguish it.

13 In fact, Warren and I have agreed you should
14 consider my remark as a joint statement from both of us
15 as the people who hold the proprietary rights to the use
16 of the name "Stags Leap" as a wine brand name.

17 We realize that there will probably be a Stags
18 Leap District viticultural area. We have no objection to
19 such an area being recognized, as long as it continues to
20 be synonymous with the quality and distinctive character
21 which is typical of the wines of the district.

22 I support the boundaries proposed by the committee
23 and strongly oppose the extension of the viticultural
24 area to the Yountville Cross Road. I want you to know
25 that I feel that those boundaries stretch the

1 viticulturally area to the limit.

2 The gentleman that represents Mr. Anderson said
3 that there was no such thing as a good boundary. There
4 is not a place to stop. I think we have taken it as far
5 as it can go. If you go beyond it, you are including
6 land that has never been considered to be in our growing
7 area. It has done nothing to contribute to the
8 reputation and good will of Stags Leap.

9 As soon as you go beyond the hill crest, that
10 northern line, you're out in Napa Valley floor; and I
11 have no idea where you do stop. As soon as the line
12 begins to pour over that hilltop to the north, Warren and
13 my view on the entire issue of the use of the name "Stags
14 Leap" as a name for the district changes. We feel that
15 that extension undermines the distinctive character that
16 gives the district a reason for existing.

17 If the district spills over to the north, it
18 becomes a larger area and uses a handy marketing tool for
19 the affected growers and wineries, rather than entire and
20 distinct appellation easily recognized by consumers.
21 Warren and I can see that expansion as undermining the
22 distinctiveness that has been the strength of our
23 individual trademarks and good will.

24 Thank you.

25 MR. DRAKE: Thank you.

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Any questions?

MR. LIBERTUCCI: You said, Mr. Doumani, that the wineries and grape growers in the area of the northern extension have nothing to contribute to the reputation of Stags Leap. Within the area proposed by the committee, there are several wineries, more than two or three. It's my understanding, and correct me if I'm wrong, that the only wineries that have made reference to the Stags Leap on there labels are Pine Ridge, Stags Leap Wine Cellars and Stags Leap Winery; is that correct?

MR. DOUMANI: No. I believe there are more wineries that have used the name. I think Shafer used it. I know I saw something. Steltzer has used it; Clos du Val, I saw something. I guess my statement should have been just "growers" because there are no wineries in the northern extension as being proposed now, the addition. It should have been limited to growers.

MR. LIBERTUCCI: I believe Mr. Hillman mentioned earlier that he believed that the growers and the one winery in the northern extension had contributed to the reputation of the Stags Leap designation, as the result of their contribution to wines produced by wineries in the Stags Leap area as proposed by the committee.

I take what you are saying is that there are wineries within the proposed area proposed by the

1 committee that have not advertised bottled wines labeled
2 as "Stags Leap" wine, specifically, but as "Napa Valley
3 Wine."

4 How do they contribute to the reputation of Stags
5 Leap?

6 MR. DOUMANI: How do they? I believe what we are
7 talking about here are the ones that have been designated
8 as "Stags Leap" or even if they weren't designated as
9 coming solely from the grapes from Stags Leap, if they
10 did, if those wines were made from grapes from only that
11 area, that it was distinctive.

12 Yes, there would be wines made from grapes that
13 might have been bought from outside the area, even
14 outside the area we're talking about, the Yountville
15 Cross Road. Those wines might be wonderful, but those
16 wines, I believe, are blended and kept separate; and
17 they're not bottled and given any of the label -- on the
18 label or in the brochure that they put out that it's
19 Stags Leap wine.

20 MR. LIBERTUCCI: Your statement, my impression of
21 what you're saying is that only those wineries that have
22 advertised their production as coming from Stags Leap
23 area or Stags Leap Vineyards have contributed to the
24 reputation of the Stags Leap District.

25 MR. DOUMANI: I think you have got wineries that

1 have not advertised at all that -- I'm sorry. You're
2 saying that I'm saying that only those that have
3 advertised or put the name "Stags Leap" on their bottle
4 have added to the reputation of the district?

5 MR. LIBERTUCCI: Yes. Are you saying that?

6 MR. DOUMANI: In respect to those grapes having a
7 distinction, only the grapes from the Stags Leap area
8 that were used in wine, and that wine would have to be
9 from those grapes, would lead to that area's distinction.

10 We have two things here. There are grapes and
11 there are wines being produced that the wineries are
12 stating came from wines that were grapes that were grown
13 in that area. There are other grapes that came from
14 other areas that the same wineries are making wine out
15 of, and you're asking me, did that do any good for Stags
16 Leap area?

17 MR. LIBERTUCCI: Yes.

18 MR. DOUMANI: Probably helped to point out that
19 when they took the time to put the Stags Leap area on,
20 that they were making a distinction that the Stags Leap
21 grapes might be better or more unusual or more similar.

22 MR. LIBERTUCCI: But it is not the reputation of
23 the area proposed by the committee, the reputation
24 representative of all of the wines produced from that
25 area, or is it representative of only those wineries,

1. such as Pine Ridge, Stags Leap Wine Cellars, Stags Leap
2. Wineries and you mentioned Mr. Shafer's winery, that have
3. labeled their wines as wines that have been identified as
4. "Stags Leap" on the label.

5. MR. DOUMANI: No. I believe that the wineries in
6. the area, there is a distinction there between which
7. wines they put out that were made from grapes from the
8. area and others that have grapes from other areas, but
9. the wineries in that area that make grapes from the area
10. are, in my opinion, what gives the distinction.

11. MR. LIBERTUCCI: So it's not the total reputation
12. from the wines that's produced in that area, but only the
13. grapes grown from that area.

14. MR. DOUMANI: I think that's more important, yes.

15. MR. DRAKE: Thank you, sir.

16. Jim Seff.



17. MR. SEFF: Thank you, Mr. Drake.

18. Ladies and gentlemen of the panel, my name is
19. James Seff. I know a few of you, most of you, in fact.
20. I have been a wine lawyer for 19 years, I figured out
21. today. I'll try not to talk for 45 minutes, although I
22. know that you would be most gracious if I wanted to.

23. I was at the Wine Institute for 13-1/2 years.
24. While I was there, I had the privilege of participating
25. in the hearings which led to ATF and in '76 and '77 where

1 I performed a role similar to the role my colleague,
2 Richard Mendelson, is performing here.

3 I got everybody sort of together, and I tried
4 to figure out what they were going to say and tried to
5 keep the testimony from being too repetitious; and we tried to
6 get a coherent position from the Wine Institute. And you
7 guys came out with the ruling. And we thought that was
8 pretty good. It wasn't perfect, but life isn't ever
9 perfect.

10 I thought I was finished with that, but then
11 Dr. Ed showed you -- you guys remember him. Dr. Ed and
12 Professor Benson and a number of other people who got
13 together to make everybody's life more complicated and
14 interesting. And the Wine Institute found itself on the
15 side of ATF, supporting the regulations, and ATF 53. And we
16 worked that for a number of years, and mostly got a decent
17 conclusion out of that as well.

18 In the meantime, I went to lots of viticultural
19 area hearings, and I have been in private practice now for
20 four and a half years. I am now a member of the Pillsbury,
21 Madison & Sutro firm in San Francisco in charge of a small
22 group there that does alcohol beverage law.

23 I appreciate the opportunity to talk to you. When I
24 wrote to you, I said I wanted to speak to you,
25 representing Mr. Winiarski. As you have just heard from

1 Carl Doumani, both Carl and Warren have a tremendous
2 extra interest in the proceedings here today because of
3 their contribution to the name "Stags Leap" and its wine.

4 But as it developed, Warren's view is exactly
5 codeterminable with that of the Committee, with that he sits,
6 to the boundaries here and specifically the northern boundary.
7 Although I suppose if we must, we can talk about the
8 southern boundary, too.

9 And so I have been asked to say some things on
10 behalf of the whole committee, not just Warren.

11 First, I'd like to deal with a notion, which I feel
12 is surfacing here, based on some questions which you all
13 have asked. That has to do with the reason people from up
14 here, outside of what we think the area is, didn't
15 use the name "Stags Leap."

16 A couple of people have said that they didn't do it
17 because they were afraid of getting sued. Well, that
18 probably would have depended on how they used it.
19 And it's conceivable that somebody might have been sued if
20 they put it on a wine label as a proprietary or brand
21 designation.

22 Warren tells me nobody ever came to him and asked
23 him if they could call their ranch or vineyards "Stags
24 Leap," but even so, if someone did call a ranch or
25 vineyard "Stags Leap" or said to people, "Gee, I think I

1 live under the Stags Leap designation," no one could have
2 brought a lawsuit.

3 I think it's important to understand that, parti-
4 cularly, if grape growers wanted to tell people that
5 they were from the Stags Leap District or area. That
6 would, of course, be very difficult. So I don't
7 think that's really a legitimate concern. Rather the issue is,
8 if they thought they were there, as they have contended
9 today, then why didn't they say so? Or put another way,
10 why did they say they were other places?

11 Now, Dr. Anderson has mounted an impressive list of
12 witnesses. And Mr. Pillman, I must say I think you did a good
13 job. I am not a litigator either, and I never have been,
14 so I probably am just as nervous as you may have been, or
15 you don't show it. It is, of course, the presentation of
16 Dr. Anderson and his neighbors. We have heard a lot here today
17 about what people feel or believe or think.

18 I submit to you that what they feel or believe or
19 think is only useful in a probative sense, that is as evidence,
20 if they have something to back it up. We all feel lots of
21 things with passion and intensity that probably aren't true.
22 And we probably couldn't back up. And one of the things
23 which you as a panel, I think, will have to address is whether
24 some of the feelings that were articulated today and
25 yesterday, for that matter, are supported by evidence.

Now, Dr. Anderson didn't show a lot of things. He

1 didn't show any consumer recognition, not one, that the
2 proposed northern extension of the area outlined in red is
3 in the Stags Leap District. Not one. He didn't show any
4 consumer support for his contention, that that area is in
5 the Stags Leap District. He didn't show any industry
6 recognition, that is wine industry recognition, except the
7 recognition of Dr. Anderson himself, which one can admit is
8 pardonably self serving, that he should be in the Stags Leap
9 District. He didn't show any evidence of sale of wines from his
10 area, which he or anyone else understands to be Stags Leap
11 District wines.

12 Now, I should say that since I tried to begin
13 constructing these remarks, I have learned that in one
14 public relations piece, the Anderson family did indicate
15 they were north or near the Stags Leap District or in the
16 Stags Leap District. But unless I'm wrong, I hope Mr. Hillman
17 will correct me, or one of the others will, that document
18 was generated from a wine tasting, which took place six
19 weeks ago, and, therefore, is perhaps not as probative
20 as if it had taken place two years ago.

21 More importantly, Dr. Anderson did not show that
22 the sale of grapes from his proposed northern extension
23 area were made into wines, which were Stags Leap District
24 wines.

25 Now in the past, and I think, Mr. Libertucci, this

1 goes a little bit to your question of you mentioned an issue
2 here, and it's easy to get confused, and you do it almost
3 every day. It's not where the wine is made but where the
4 grapes come from.

5 So if a winery in San Luis Obispo bought grapes from
6 Mr. Egans' southern vineyard, the one in this area here,
7 he could make wine that could have the Stags Leap characteristic
8 that would be entitled to be under your regulations and under
9 the same section of viticultural distinctiveness that we have
10 been beating to death here today, to the designation of Stags
11 Leap District, assuming that Mr. Egans' southern vineyard was in
12 the Stags Leap District.

13 Dr. Anderson and his colleagues didn't show that they
14 themselves ever called the northern extension anything
15 but Napa Valley or Yountville. In fact, Dr. Anderson in his
16 own testimony said, "Our area was always known as the
17 Yountville area." Now, I again submit to you that that wasn't
18 for fear of law suits; that was because at the time they didn't
19 really think of themselves that way.

20 There is contradictory testimony that goes the other way
21 You are the triers of fact. It's your responsibility to weigh
22 it all and see what you really think makes the most sense.

23 Dr. Anderson did not show that the soils on the
24 southern side of the Yountville Cross Road -- that's here
25 in the red area -- are any different than the soils on

1 the northern side.

2 (Mr. Seff indicates area on map.)

3 We have heard a lot about soils. It's very
4 confusing. It's very confusing to me. But at the
5 end of the day, what we end up hearing is that there are a lot
6 of soil types here, here and here.

7 And the soil types are 104 and 105 and bale clay loam,
8 and degree of slope. But we didn't hear they're really different
9 from the soil types here, here and here.

10 That's important. And it's important because you
11 have to know where to stop. Sure, you can go over the
12 knolls here to the cross road, but just as logically
13 you can go here to here or here.

14 And somebody asked, I think, Dr. Anderson: "What do
15 you do with the northern vineyard, the one that's below
16 Chambers but above the Younville Cross Road?"

17 They didn't answer that question.

18 It's logical that Mr. Egan would be in really. But if
19 Mr. Egan is in, why not the next guy down the road? That's
20 really the issue. You could leap frog all the way to
21 Calistoga then.

22 Dr. Anderson shows that the climate on the south
23 side of the cross road is no different than the climate
24 on the north side of the cross road. Now, again, evidence
25 is confusing, and I would really prefer that the whole issue

1 of climate not be joined. But the issue that I pose to you
2 is not "Is this similar?" but "Is this similar; and if this is
3 similar, why don't we go all the way up here?
4 Why just stop here?"

5 Dr. Anderson didn't show all the growers in his area
6 were unjust in not supporting his position. In fact, we
7 have submitted evidence that there are growers up there who
8 think they are not in the Stags Leap District.

9 Now, Section 5(e) of the AFA talks about information
10 to adequately inform the consumer, and everybody from the
11 press to the burea to the vintner to the lawyers, and
12 probably to the accountants, too, say that is the most
13 important thing. But, people, we all know there is another
14 important issue here that people don't talk about too much.

15 That is, how much are you going to be able to sell
16 your grapes for? That's a legitimate matter of concern.
17 We're talking about business. And Dr. Anderson didn't
18 show that his inclusion in the area would net him or his
19 neighbors one penny more. In fact, they put in the
20 evidence that some of their grapes get more money than
21 grapes grown within the Stags Leap District.

22 Nor did Dr. Anderson show that his exclusion in this
23 area would cost him anything. So I submit to you that,
24 based on the hard evidence, there really isn't any
25 reason to go the cross roads. Certainly not a

1 compelling reason.

2 There is another notion which everybody has been
3 talking about. I perceive from questions that you all have
4 asked yesterday and today that it's very much your interest,
5 and I think it should be. That is this question: If the
6 Stags Leap District could extend past to the west to let in
7 the western Mondavi land and to the north to let in
8 Silverado, what's the big deal about?

9 Let me expand just a little more and let in Dr. Anderson,
10 after all we're only talking about 150 acres.

11 Here is why we think it's important. One of the great
12 things that the bureau has done for the American wine
13 industry, one of the things which is a direct result of
14 ATF 53, I think, and probably a cause of it as well, is that
15 the bureau through its regulations and through its system
16 of viticultural designations has made us recognizable.

17 Overseas, as you all know, we are selling a lot more
18 wine, overseas, a heck of a lot. We thought before ATF53 --
19 and this is not the bureau's accolade; certainly we deserve
20 that credit.

21 Certainly Warren's success at the '76 Paris Tasting
22 made all of that possible as well. But with the current
23 definition of areas and sub-areas, ever more exclusive, there
24 comes a responsibility to make them mean more as well.

25 And I think based on what you hear from my

1 clients overseas, that sometimes the bureau's responsibility
2 to this challenge has not been perceived as well as it might
3 be.

4 We all know that when you have the Napa Valley here and
5 the historical area, a lot of people weren't sensitive to those
6 historical reasons. What's going on here?

7 Well, that was then and this is now. And these are
8 different facts, very different facts.

9 It seems to me that the reason it's a quarter to six
10 and this whole room is full, it's just not the problem of the
11 district or that the district only cares, but a lot of
12 people care a lot. A lot of people from the press are here.
13 There is a chapter from the International Press. It's
14 very important to take this opportunity, I believe, to
15 make areas which truly have viticultural distinctiveness.

16 We think we have approached that area. We have
17 approached that with our existing boundaries that have
18 viticultural distinctiveness. We think we have
19 met your tests in doing so.

20 I will be happy to answer any questions.

21 MP. DRAKE: Thank you, sir.

22 Again, I'm not sure how I can phrase this
23 question in the right way.

24 The area that's proposed by the committee in the
25 northern boundary running across the top of those hills,

1. how do you decide where that goes?

2. MR. SEFF: I beg your pardon?

3. MR. DRAKE: At the top of the last hill, how do you
4. decide where that goes?

5. MR. SEFF: Well, I'm not going to answer that because I
6. must say I come late to the party. I will let Mr. Mendelson
7. answer that. He's been at the party. It would be silly to
8. let me try to. But, try me again.

9. MR. DRAKE: I can't take that --

10. MS. SLATTERY: Hopefully an honest attorney.

11. I have one question. You have spoken a great deal about
12. the representation of the Stags Leap, the label, the Stags
13. Leap -- correct me if I'm wrong -- since 1983, other than wines
14. which use it as a tradename "Stags Leap," it does not appear
15. on the labels?

16. MR. SEFF: That's quite correct. And if I said that --

17. MS. SLATTER: No. No, you didn't.

18. MR. SEFF: Labeled or advertised or generally
19. understood to be, because there are a bunch of wines that are
20. wines that I think everybody knows that the grapes come
21. from right there.

22. The Cabernet. I think, Bernard, do you call it
23. "Napa Valley"?

24. MR. PORTET: Yes.

25. MR. SEFF: But everybody knows that that particular

1 wine is made from Stags Leap grapes. How do they know?
2 I guess he feels they had a distinctive viticultural
3 characteristic to that wine, which is similar in
4 character to other wines in the Stags Leap District.

5 MS. SLATTERY: So you believe consumer recognition is just
6 as important a factor, whether the particular wine label
7 is "Stags Leap"?

8 MR. SEFF: Absolutely. I think that's a critical
9 factor. You and I both know there is a legal problem with
10 wine labeling at the Stags Leap, and we are not talking
11 about the brand name. We are talking about where the
12 grapes come from.

13 MS. SLATTERY: Do you know if Silverado Vineyard
14 ever used the name "Stags Leap" on the label?

15 I see in the Petition on the '82 Cabernet, some reference
16 to location at Napa, west of Stags Leap. Now I am not sure
17 if that is one --

18 MR. SEFF: Silverado Vineyard, right here west of
19 the rocky promontory, known as Stags Leap; but again, why ask
20 me when there is an expert here. Jack Stuart has had
21 Silverado Vineyard from the beginning.

22 Do you want to respond to that?

23 MR. STUART: We have never -- all Cabernet and
24 Merlot wines could be considered to be Stags Leap
25 District in this vineyard, which I should point out is,

1 not just in this area that you are so interested in, but
2 also over here all the way to the highway.

3 You have in your file a fact sheet on your 1981
4 Cabernet Sauvignon which describes the location; and I
5 should say, also, that contrary to some of the talk, the
6 soils are continuous around both sides of these hills,
7 except for a little bit of -- homes that sit in the low
8 land.

9 MS. SLATTERY: When the label refers to the west
10 of Stags Leap, you meant west of the Stags Leap
11 promontory?

12 MR. STUART: Yes, that's right. All of it east of
13 the river.

14 MR. DRAKE: Thank you.

15 Charles L. Sullivan.

16 MR. SULLIVAN: I'm Charles L. Sullivan. Most
17 important to me, I'm a consumer, a wine collector. I
18 have a large cellar of which about 1500 bottles are
19 Cabernet and related cousins from the French Bordeaux
20 types. So I began in the late 1950's. I'm a long-time
21 member of the San Francisco Vintner's Club, and I have
22 run wine tastings for the San Francisco Bay area for
23 about 20 years. I have a newsletter on wine tasting.

24 Under that heading, I wanted to say that I
25 certainly do approve of a Stags Leap viticultural

article
doesn't
say
west of
Stags
Leap
promontory.

Charles
Sullivan

1 district being established. The question is, of course,
2 what should this be?

3 I'm a viticultural wine historian. I've written
4 and co-authored several books. Some of them on wine. And
5 I've authored a book, something over a hundred articles,
6 in most, or certainly a majority of the major wine
7 publications in the English language. I teach wine and
8 viticultural history at De Anza College in Cupertino, and
9 I am a member of the America Historical Association and
10 life member of the organization of American Historians.
11 I am also a member of the Society of Wine Educator,
12 a charter member, and their official historian.

13 I have also done several viticultural historical
14 studies for your panel, and I have testified at two other
15 times. One time you may remember me at the infamous
16 North Coast hearings where I was the only adversarial. I
17 never had anything to do with it, as far as the ATF is
18 concerned.

19 I also have a heavy background of physical
20 geography, including graduate courses and studies in
21 meteorology and climatology. That might be something
22 that comes up. As a final toot of my horn, Leon Adam
23 says in writing, "I am the modern historian of California
24 wine."

25 Now, what about the history? That's what I want

1 to address first, particularly the pre-1960's history. I
2 hope, and I confer from some of the questions that you
3 asked and from some of the presentations that were given
4 here, that the pre-1960's history doesn't amount to
5 anything; that it really has virtually no bearing on the
6 determination of what the Stags Leap District is going to
7 be.

8 You may disagree and, if you do, I want to say
9 that I have some real serious negative feelings about the
10 research that was done and presented to you on behalf of
11 this, not for the recent years, but for the early years.

12 That's why I say, if you disagree with me and you
13 think this is really very important, then I think you
14 should know that I believe that this history that was
15 presented to you is replete with improper inferences
16 drawn from generalizations, drawn from very inadequate
17 information, sometimes very clumsy use of evidence; and
18 in some cases, I sense a violation of what I considered
19 to be the basic canons of historiography.

20 That is, the historian, not the lawyer, but the
21 historian has to give the whole truth and take into
22 account all the evidence, not just select evidence. We
23 have heard about the grapes being business, and I have
24 another piece of information about the grapes.

25 There is a piece of information about this Grigsby

cut
down
on
Heint

1 affair and where these districts are that was left out.
2 If the Grigsby line and the -- I call it "coastline" of
3 Leonard Coakes of the west side of the valley, if they
4 were parallel, then the northern extension would have
5 been in the Grigsby. I will give you that in writing.

6 As I said, I hope that you don't think that this
7 is particularly important. That's why I'm not going into
8 it. The important thing, I think, is the Stags Leap
9 history since the 1960's. I went through the Napa Valley
10 in the early '60's, made a rough viticultural land-use
11 map, and looking at it the other day, I find that this
12 thing called the "Stags Leap District" was given over to
13 many other activities primarily other than viticultural.

14 There were a few vineyards here and there, but
15 mostly, agriculturally, this land was not devoted to
16 viticultural. There is a couple of quotations from the
17 Wine Spectator in which in the early days, I think
18 Mr. Shafer says that he had to root up Perigon and things
19 like this. This was what was growing in the area.
20 Dr. Anderson said the same thing.

21 The Wine Spectator in one of the articles on the
22 area refers to the grapes that were growing here before
23 the modern revolution in viticultural in this area as
24 being types we usually associated with rustic Italian
25 wines.

1 What I'm saying to you is let's look at the real
2 history, and the real history begins here in the 1960's,
3 specifically, when Mr. Fay comes in. Following this and,
4 by the way, Mr. Winiarski -- I guess this quote has been
5 given, the one where he says, "If it hadn't been for the
6 rock, if it hadn't been for the ranch." Have you heard
7 that one? You don't know that one? Good heavens! Let
8 me give it to you:

9 "The rock and the ranch Stags Leap,
10 the Stags Leap rock in his vineyard had
11 no significance for the wine trade, and I
12 don't think that the people would give two
13 hoots about the name Stags Leap were it
14 not for the events in Paris -- that would
15 be the tasting -- before these occurred,
16 there was nothing known as Stags Leap wine.
17 I don't think there was any history of Stags
18 Leap wine before we started producing."

19 This was taken from January 1st 1985, Wine
20 Spectator, not the most recent.

21 After that, other people came in: Doumani, Foote,
22 Steltzner, Shafer; and we get a distinct image of a
23 district here that's producing Cabernet and setting the
24 world on fire. The real world burns up in '76 when that
25 '73 Cabernet beats the world.

1 By the way, I took part in two tastings of that
2 wine in replications of this on the 10th anniversary, and
3 in both cases, the wine didn't win, but it was right up
4 there and beat a lot of those very good ones.

5 There is this perception, then, that Stags Leap as
6 a viticultural district is something that's producing
7 fantastic Cabernets. After this, I think you have to add
8 the Pine Ridge here, although it's on the outside of
9 Silverado, I think that it's still part of that
10 perception.

11 You might want to know, where do I get this idea,
12 perception? How do I know these things? Did you know
13 that you had an article eight to ten inches in the
14 Chronicle this morning? It's already clipped, filed and
15 indexed in my file. I have virtually everything of
16 historical importance in the English language in
17 periodicals.

18 I am a long time subscriber to the St. Helena
19 Star, read the St. Helena Star from 18-- whatever it is
20 to last week's issue. It's all indexed and filed. I
21 keep up on this. When I was asked about this Stags Leap,
22 I pulled my card. And where do I begin here and start
23 having something about Stags Leap District? It's the
24 Hinkle article on Vintage, 1981. This is where this
25 perception really begins.

1 There is a district, I think, at least, although
2 those of us who were drinking wines and were gathering
3 the perception, we were picking up on this. We obviously
4 picked up on it as more and more wines were produced, we
5 had to drink more. Then a funny thing happened with this
6 perception of our mind.

7 I want to tell you I think that I'm a pretty good
8 consumer and pretty much aware of what's going on in the
9 wine world throughout the state because of this indexing
10 process that I have.

11 Then I heard about the petition, and I saw what I
12 perceive as the Stags Leap District had been extended.
13 It had been extended on the south. It had been extended
14 to the west. Later, it had been extended to the north.

15 Now there is a proposed extension to the north,
16 again. I was surprised. I was not horrified. I wasn't
17 an outraged consumer. I didn't say, "By God, this is
18 Stags Leap." I didn't think that. Well, I guess I did;
19 but for the life of me, I cannot think why areas here.

20 I have to go along with some of the other things
21 that have been said. I'm not quite sure why some of
22 these areas here are perceived as having now a reputation
23 which derives from this fantastic reputation that was
24 developed here in the late '70's and early '80's.

25 I would like to suggest to you that I don't think

1 that the world is going to come to an end, viticulturally
2 speaking, consumerwise; but there will be a lot of
3 consumers who perceive Stags Leap as this where Cabernet
4 freaks like myself who suddenly will perceive something a
5 lot larger than they thought.

6 As I say, I think there have been four proposed
7 extensions of what is the popular conception of the Stags
8 Leap District among us Cabernet freaks. The point that
9 I'm trying to make in relationship to the northern
10 extension is not that I see anything particularly
11 important about this Yountville Cross Road as a
12 viticultural line.

13 I don't think much of roads as limits to
14 viticultural districts, but I don't see anything magic
15 about this Napa River. Natural boundaries or natural
16 wines are only useful, if they are useful. The Napa
17 River as it's been pointed out has got these soil types
18 on both sides. The winds aren't involved.

19 ~~In my mind, it comes down to fairness.~~ This area
20 here wasn't involved in the decision that brought about a
21 petition which included these other extensions, and now
22 they want to belong; and I'm not horrified by it. I
23 don't think that there would be any violation of what's
24 right and wrong, to be perfectly frank with you.

25 Dr. Anderson isn't going to like this, but I'd

1 like to see this area right here to be Stags Leap.
2 That's it. If I were the Godfather of appellations,
3 that's the way I would do it.

4 I would like to point out a couple of other things
5 that relate to viticultural districts in terms of the
6 distinctiveness, other than the wines. We heard some
7 things told us by the geographer yesterday. She pointed
8 out that we have got this rector fan here and it's an
9 illuvial fan that blows out these boulders.

10 She examined the soil to the north and found that
11 she didn't think it was bale soil. She inferred from
12 that that the soil to the south was not bale soil. Well,
13 bale soil has a ryolite base. The reason this is bale, I
14 presume, is because you've got a big ryolite knob there.

15 Every single time that it rains in this area, this
16 ryolite knob, volcanic base soil contributes to, and for
17 millions of years have contributed to this vineyard here,
18 and this amount of ryolite has been contributed, has been
19 decreasing as you approach the rector fan. This vineyard
20 here is not full of big knobs, the round stones. Those
21 big stones along there are not from that vineyard. I
22 don't know where they came from.

23 Another thing concerning the meteorology of the
24 situation. You were presented information by a
25 meteorologist, but at a certain point in the

1 presentation, I had the feeling that what was happening
2 was that he had switched hats and became a climatologist.
3 Now a meteorologist is not a climatologist. Climate is
4 the broad picture of averages built up over a period of
5 time.

6 To be frank with you, I have never seen anything
7 more confusing. What really confused me is derived by
8 standing there and looking at it. That really confused
9 me because I have been around here for almost 30 years,
10 off and on, and believe me, the wind blows up there.

11 You can't tell from stations placed here and here,
12 obviously for the purpose to show that the weather was
13 similar here to there when this extension was to be
14 added. That's why they put them there. That's what I
15 infer. I could be wrong. You can't tell from that in
16 standing up here and looking what is going to be
17 happening here, from a meteorological point of view.
18 Believe me, the wind blows there.

19 (Mr. Sullivan indicates areas on map.)

20 I would like to do a conclusion here. I hope you
21 don't consider the pre-1960's history important in making
22 your determination, but if you do, please be very careful
23 about the historical inferences that are made. I know
24 that many of you are lawyers and you know precisely what
25 I mean by generalizing insufficient evidence.

1 Please be rigorous in determining what areas have
2 earned inclusion in the Stags Leap viticultural district,
3 as had been advised and suggested here, or be fair about
4 it. If there have been three extensions, how are they
5 better than this other one up here?

6 I don't think that the proposed northern extension
7 has earned a place in my ideal Stags Leap viticultural
8 District which I would create if I were the Godfather of
9 appellations, but then again, I don't think I would throw
10 out all of this stuff down here, well not all of it, but
11 right across here.

12 The question is one of fairness. I think it
13 perfectly fair to include the northern section of the
14 entire area, the west and the south included. I don't
15 think you would have heard a murmur from the northern
16 area if the proposed Stags Leap District were a discreet
17 entity strictly based upon the great perception that the
18 small group of wines have developed in the last decade.

19 That's it.

20 MR. DRAKE: Mr. Sullivan, thank you.

21 On the pre-1960's history, you said that you did
22 have something that you could submit to us in writing.

23 MR. SULLIVAN: Yes.

24 MR. DRAKE: I would appreciate it if you would.

25 MR. SULLIVAN: Sure.

1 MR. FICARETTI: I had one question.

2 Basically, what I gather you are saying is
3 removing yourself from the situation, if you had your
4 druthers of what it should be, it wouldn't include the
5 northern extension nor the western boundary, as proposed,
6 nor the southern.

7 MR. SULLIVAN: I know you don't like to say there
8 are politics involved in the determination of the
9 viticultural districts, but I think it would be very
10 difficult for you to go back and make me the God of
11 appellation.

12 If you are asking me what's my druthers, that's
13 what I would rather have. I love appellations, and I
14 think that I have a very strong positive image in my head
15 of what Stags Leap Cabernet and Merlot and that sort of
16 thing is. Not to include just this, but also Pine Ridge.
17 That's in my mind, too.

18 MR. FICARETTA: How about the Stags Leap, let's
19 say the white wines, the Chardonnays; are you restricting
20 the red wines, the Cabernets?

21 MR. SULLIVAN: That isn't the way we play the
22 game, is it? That's the way I would play the game.
23 Mr. Steltzner has said the same thing several times, that
24 he would like to see and I would like to see, too,
25 limited Cabernet or Cabernet and it's cousins or any

1 other variety that develops this fantastic image.

2 I don't like to see ^{Howell} ~~how~~ Mountain Chardonnay. I
3 just don't understand that, how mountain is red wine
4 country to me, but we don't play that game. You are not
5 going to change the rules. I know you are not going to
6 determine varieties. So I can't be the God of
7 appellations.

8 MR. FICARETTA: As far as the distinctiveness that
9 you've been talking about, is it any different from the
10 red wine than the white wine? Is there any difference
11 between the Chardonnays from within the proposed
12 viticultural area?

13 MR. SULLIVAN: In my classes and my tastings over
14 the year, I have never -- now, good, yes; outstanding,
15 yes; but distinctive, no. I don't think that these
16 ryolite soils that give this crushed cherry, intense
17 flavor that we get out of the Cabernets and their
18 cousins. I don't think that that has this kind of an
19 affect on Chardonnay.

20 The first time I bought a Port wine, I bought a
21 '73 Zinfandel. That was one of the greatest wines I ever
22 tasted. I haven't bought any since. They have been
23 good, but not so great.

24 As I say, I don't think we can play that game. I
25 seriously doubt if you will want to play it.

1 MS. SLATTERY: Your declaration strikes me as
2 being somewhat similar to ^{Laura} ~~lawyer~~ Woods declaration in
3 terms of saying there is one Stags Leap area which is a
4 small basin surrounded by some hills which has very
5 distinct recognition; however, that if you extend the
6 Stags Leap area beyond that small original area to the
7 west to the south, then there's no reason to exclude the
8 north.

9 I wonder if you could go beyond your statement
10 about fairness and speak viticulturally in terms of, is
11 there some sort of greater Stags Leap area which makes
12 sense, viticulturally, as a distinct area which would
13 include all of the areas all of the extended areas that
14 we are discussing today?

15 MR. SULLIVAN: Not quite. I would have to sit
16 down and taste wines that were made strictly off of these
17 bottom land illuvial; the yellow along here and the bold
18 along here and see whether or not they could pass the
19 test. Probably now, if they're blended in. There are a
20 lot of varieties down here. But, no, I don't think so.
21 I have the feeling that it might be just as fair to do it
22 the way the Germans did, with the leap frog. Anybody can
23 hear the bells. Anybody can see the cracks, but we can't
24 do it. That's not the way we play the game.

25 So, no, I don't see it. Anyway, this bale

1 deriving partially from this ryolite knob is important.

2 I am a firm believer in the soil. There are similar
3 areas; for example, between Howell Mountain and Stags Leap.

4 MS. SLATTERY: So would you say because of the
5 similarities of the soil to the northern extension, that
6 is one?

7 MR. SULLIVAN: I don't see how you can make an
8 inference here without walking into that vineyard and
9 digging town there and seeing whether it's full of rector
10 fan illuvial. I'll bet you that it's not. I just don't
11 believe it, but that's what we were told. We were told
12 that because a dig was made up here, that this probably
13 was not bale.

14 Remember, Mr. Shafer has said all this bale is
15 what you find all over the valley. What you find right
16 here, too. Ryolite, sure it's common around here. It
17 has to be, combined with the right find, the right
18 climate, the right fanaticism, all those different
19 things; but it's still soil, it's still bale, unless this
20 map is wrong.

21 MR. DRAKE: Thank you, Mr. Sullivan.

22 Mr. Altamura.

23 MR. ALTAMURA: My name is George Altamura, 4250
24 Silverado. I came here basically since I had heard about
25 the appellation of the Stags Leap area. I thought it was

1 going to be a small area. I thought that's what we were
2 talking about until somebody said made a comment that it
3 was right near your property there, and what they were
4 using was a dish that's no more than a dish, and it was
5 the same soil, that was involved in the agriculture.

6 So I said, "I'd better go check it. I want to see
7 what's going on." Then I come to see the map here is
8 beyond what I've ever known. I came here 40 years ago
9 when I was about 16 years old. I came out from New York
10 to come out here on my own and worked in Napa.

11 I used to always hunt. I used to go to Stags Leap
12 Lodge. We used to go to the ridge and then down by Soda
13 Canyon, right where my property is now where my home is.
14 I own about 100 acres south of here. We used to hunt the
15 ridge for deer and quail and come down to the ridge, and
16 I've never known anything to be of such a magnitude as
17 this, such as Stags Leap.

18 But if you're going to start going down to my
19 area; the area to the south on the east side of the road,
20 is my ranch, down away from there, but the soil that's
21 been wiped below the red -- I went to the Agriculture
22 Department this morning, and that soil that goes into
23 that district and my soil is exactly the same. It's 156
24 hairloam.

25 So constantly everything I've been hearing from

1 everybody and all these experts say, "Well, it's
2 geographic. It's got to be the climate. It's got to be
3 the moisture. It's got to be that fog that comes in from
4 the southwest." All these things are exactly my piece of
5 property.

6 I own another ranch that's just a little ways past
7 my place that backs up to the Napa River, which I'll show
8 you in two seconds. And we harvest a piece that's
9 adjacent to that Stags Leap area three to four weeks
10 before; the same grapes, the same kind.

11 Then the other thing they say is that there's a
12 definite designation between the grapes of Stags Leap and
13 the other areas. I think basically I'm a businessman. I
14 don't even drink wine. My family and my son went through
15 the schools here, and he probably talked me into opening
16 up a winery and that's great; but I think we are all
17 trying to get on to what Mr. Winiarski and my son has
18 always said, that it was the best.

19 Consequently, I think what's happening is
20 Nathan Fay and Mr. Winiarski's property, Stags Leap has
21 got such a great reputation from them that what's
22 happening is maybe you don't want to have a smaller area.
23 Maybe the area should be a little bigger. I'm not into
24 that.

25 I've never been to a hearing before. But if you

1 start monkeying around and making it into a bigger area,
2 we definitely want to be considered even though we are
3 south because all there is between us and Mr. Portet is a
4 golf course and open land.

5 I'm going to show you right now where my property
6 is at.

7 (Mr. Altamura indicates areas on map.)

8 This property here is hairloom 146. Right down
9 through here is our property. Right down through here
10 it's 146, also, which I'll show you. When we used to
11 hunt the ridges, we used to always come here and park by
12 the lodge, go in to have a beer or coke. We used to hunt
13 quail and we used to hunt deer from here. We'd follow
14 this ridge up to about the 400 foot line. That's
15 probably a real good area. Then we'd come down here.
16 Here's my ranch right here.

17 I always loved the area and always crazy about it;
18 never had a nickel to buy a piece of property, but after
19 years, we ended up all looking at that piece of property.
20 This ranch goes on through here and ends up right here.
21 The mountains don't really stop here.

22 Why it went here through this ditch is beyond me
23 because this is the same soil, which I'll show you on the
24 map from the Agriculture Department. Right through here,
25 and I get the same breeze. The breeze comes here. I've

1 got the same breeze. I've got the same soil. They say
2 they're unique.

3 Now I defy to say that they're unique. We've got
4 to be the same, because I would bet right now that if we
5 made our first Chardonnay, our first wine was bottled in
6 '85, you could get the five best wines right there, '85
7 made with the Chardonnay from that area; and I'll put
8 mine up, and I'll bet \$1,000 to any one of the four or
9 five wineries there to taste the five wines and tell me
10 which "junk" wine is ours.

11 My boy has never made wine. This is the first
12 year, so this is a good opportunity. I put it up
13 without knowing and because I am in the same exact
14 climate conditions you're talking about. I'm in the same
15 breeze. It's the same thing. I never walked a ridge
16 like this that cuts through this ditch here. The ditch
17 is only about six feet. I don't even know why it was put
18 there.

19 If it would've been up here in this area down to
20 about there, I wouldn't have moaned very much about that,
21 to tell you the truth. When you start coming down into
22 my area and then you stop there, we have all the trees,
23 all the vegetation, everything that you are talking
24 about.

25 When I listened to the people yesterday, I learned

1 a lot yesterday. I never get involved with grapes. I
2 don't go near them. I don't pick them; I don't prune
3 them. I don't even want to know about the grape business
4 or the wine business, but yesterday I did learn a lot
5 when she talked about trees. She talked about big trees.

6 I'd like to show you a couple of pictures of my
7 place. There are big trees on my property all the way
8 through. That's my home and the trees around it. In
9 other words, when you go pass my home, the knoll stops.
10 That 400 foot comes down to nothing and, consequently,
11 it's flat beyond me; but up until you get to me, I'm in
12 the same ridge as everyone else. I'm in the same wind.
13 The wind comes from this way here, always the south, west
14 of my house.

15 We always paint the south side two or three times
16 more with undercoat. That's the side that never holds
17 up. We have to paint it every three or four years. We
18 always get our wind from here. The soil is the same. I
19 would give anybody here a sample of ours all the way
20 through here. It's exactly the same.

21 Now I own a ranch right here, too. When you go
22 across my property across the street to my other ranch,
23 we harvest the same grapes three to four weeks later.
24 It's completely different soils. When you start talking
25 about Stags Leap and the time that they do it, I venture

1 to say I farm exactly the same time as Mr. Portet and
2 Clos du Val and all these people through here.

3 I take about the same time. We grow Chardonnay;
4 we grow Cabernet. It's the same climate they get through
5 the valley. It doesn't just start here, this wind, it
6 comes right through me first. I get it before they get
7 it, so if we are talking about a little bigger area than
8 what I had in my mind as Stags Leap, I want to be
9 included.

10 In fact, I'm going to submit a map to you people
11 back east what I think it should be. There's no doubt
12 about it, but I definitely am in the same strata that
13 they are with the same soil, the same conditions, the
14 same wind; and I would bet \$1,000 with any one of the
15 four or five wine makers right now that they couldn't
16 tell which wine was mine; and that's a hell of a bet.

17 Any questions?

18 MR. FICARETTA: Do you sell grapes to anybody up
19 in your area?

20 MR. ALTAMURA: No. We sell Cabernet to Caymus,
21 another winery; and we sell Chardonnay to Franciscan; and
22 we sell some grapes to Inglenook.

23 MR. FICARETTA: How long have you been growing the
24 grapes along that area?

25 MR. ALTAMURA: We built our place maybe about nine

1 years ago. Nine to ten years ago, we purchased the
2 property.

3 MR. DRAKE: Thank you.

4 MR. ALTAMURA: Thank you very much.

5 MR. DRAKE: Mr. Hillman.

6 MR. HILLMAN: As I said moments ago, Mr. Seff
7 spoke. I was really going to waive my closing, but
8 Mr. Seff seemed not to be aware of some evidence that was
9 presented today. I thought maybe he overlooked it. The
10 panel also overlooked it.

11 He said there was no evidence submitted by
12 Mr. Anderson and his neighbors regarding climate in
13 regards to the northern boundary. I don't know if
14 Mr. Seff missed Mr. Barboza's presentation. We discussed
15 the fact that he had farmed 40 years in this area and
16 that his brother many years ago farmed the ranch and that
17 they had numerous times compared data and always found it
18 to be the same.

19 That sounds like climatic information to me. He
20 might have also missed Dr. Chambers presentation where he
21 showed photographs of the growth patterns of the vines
22 both in this area north and across the river and showed
23 that in this area and this area, winds force the vines to
24 grow or -- southern winds in this area and this area,
25 there was no similar effect. Once again, climatic data.

1 (Mr. Hillman indicates areas on map.)

2 Mr. Seff also said there was no soil evidence
3 presented. He possibly overlooked Bud Dulinsky's
4 presentation where he dug holes throughout this entire
5 area and extensively above and below to the west of the
6 area discussed how this area has thin soils and a hard
7 pan closer to the surface; whereas this soil is deeper
8 and this soil is marshy. These soils are not.

9 He compared these soils with digging done in this
10 area and this area and said it was substantially the same
11 soils. He also commented on the boulders he found above
12 this area. Once again, soil information, better soil
13 information. He is the only person who has dug holes in
14 all those areas. Everybody else has either looked at a
15 map or talked with a map and decided what the soils were.

16 Then Mr. Seff said there is no consumer evidence
17 regarding that boundary. Maybe he was not here when
18 Dr. Anderson read Joanne DePuy's letter. In her letter,
19 she clearly states that says she's been giving tours
20 throughout this area. That's her business. She stands
21 on this hill and tells people, "This area is Stags Leap,"
22 including the northern extension, clearly evidence of
23 consumer interest and consumer information.

24 Dr. Chambers, a consumer himself, also quoted from
25 the Napa Tourist Bureau where he asked the consumer

1 side of the cross road as a boundary and that is a rather
2 direct information of consumer interest and evidence,
3 that the northern boundary is significantly a more
4 important boundary.

5 Second to last, Mr. Seff said that growers in the
6 northern extension had asked to be excluded; in fact,
7 it's grower, singular. Dorothy Barboza addressed that.
8 You asked her a question.

9 Lastly, he discussed the premium being paid for
10 grapes being, in his mind, significant; and both the
11 Andersons and their neighbors and the Stags Leap
12 Appellation Committee have commented that the grapes are
13 different, distinct, but not necessarily better or worse.
14 To my understanding in this process, you don't draw the
15 lines at vineyards that make a lot of money versus
16 vineyards that don't.

17 There is characteristics, there is influence, such
18 as viruses, such as viticultural practices, et cetera,
19 that impact financially what vineyard is profitable. And
20 the fact that the Andersons have never demanded a
21 premium for their grapes, to my mind, is not a reason for
22 exclusion.

23 That's it. That's all I have to say. Are there
24 are any additional questions?

25 MR. DRAKE: Mr. Mendelson.

1 MR. MENDOLSON: Thank you.

2 I know it's late in the day. I'll be brief so
3 that we can all go about our merry ways. Unfortunately,
4 I think of all the lawyers here, I am the only litigator.
5 I've been a litigator for three years. We litigators
6 like to use themes and emotions, so please bear with me.

7 First, something on emotional note. I heard
8 Mr. Sullivan's comments about Mr. Heintz' historical
9 research. Bill Heintz has been a friend of mine and
10 worked on many viticultural area proceedings with me in
11 the past, and I can't accept remarks which, by innuendo,
12 implication or exaggeration, without supporting detail in
13 the line of work of a man who is widely recognized both
14 by ATF and the wine industry as a very reputable,
15 excellent wine historian.

16 Back to themes now, off of emotions. I want to
17 hearken back to the theme that John Shafer started with
18 yesterday morning and that was thanksgiving. He thanked
19 you for providing an opportunity for everyone to air
20 their views. I want to thank you on behalf of the
21 committee for helping us to focus our efforts for this
22 hearing by posing very pointed and appropriate questions
23 in your Notice of Hearing.

24 You asked us to comment on the geography in the
25 north, including geology, soil and climate. You directed

1 our attention to the wineries' self-identification, how
2 they marketed their grapes and the views of other
3 wineries outside the proposed area.

4 Finally, you called for comments on name and
5 boundary recognition, both historically and in modern
6 times. These questions have enabled us to uncover
7 several new pertinent items of information since
8 September, when you published your Notice of Hearing.

9 I want to review these new findings briefly
10 because they show what Mr. Beckstoffer referred to as
11 Stags Leap District's viticultural uniqueness, what's
12 referred to in your regulations as distinctiveness.

13 I'd like to start with Professor Elliott-Fisk's
14 slides, two of them. I'm going to ask Deborah herself to
15 walk you through them. The reason why is that what we're
16 dealing with here is a geographical system, which is a
17 collection of components, as she described, combining
18 geography, soils and climate. I'd like her to
19 reintroduce that.

20 MS. ELLIOTT-FISK: As we are getting ready here,
21 I'd like to say that I really appreciate the comments
22 made by the Andersons and all you folks. I am a firm
23 believer in walking around on the land, getting to know a
24 lot about your areas.

25 I would also like to remind the committee that I

1 have training in the undergraduate schools and graduate
2 level in geography, geology, soils research, botany,
3 archaeology, et cetera, in all of these areas.

4 (Ms. Elliott-Fisk indicates areas on map.)

5 Okay. Now look at the soils again. The soils are
6 very diverse in the Stags Leap District and in this whole
7 portion of Napa County and Napa County as a whole. It's
8 true that the coal silt loam does come across the dry
9 creek fan into our proposed boundaries. However, I
10 firmly believe that the Napa River is a better
11 geographical boundary than this transitional boundary
12 between the coal silt loam, the bale clay loam and the
13 hairloam.

14 Soil boundaries are transitional, and I would not
15 be satisfied with drawing this boundary here or wherever,
16 unless we did a series of soil pits transects across this
17 line to really try to determine if there was a line we
18 could draw. We may not be able to do that.

19 I also recognize that the soil conversation
20 service, USDA, has a map, bale clay loam soils throughout
21 this area up on the Andersons, et al., property and
22 across the Yountville Road. I firmly believe that the
23 soils on the Anderson property and on the other side of
24 the Yountville Road are the same. This is really a
25 matter of soil classification and terminology and,

but she
never
was on
Anderson's
property

1 hopefully, I can elaborate on that a little later.

2 I have done a lot of work on illuvial fans. In
3 fact, I have a grant for illuvial fan research right now.
4 I happened to walk on the Anderson, et al., property and
5 I didn't think that was fair. I think that this Rector
6 Canyon fan is a very good geomorphic surface, a unique
7 surface, and that it does meet up against the two hills
8 that our northern boundary goes through.

9 There are a number of reasons why you may not find
10 boulders on some of your properties here north of the
11 Yountville Road. I won't get into all of those. There
12 are anthropologic reasons and natural reasons. The soil
13 texture there can be a little bit different.

14 I'd also like to clarify one point very quickly
15 about this old Napa River channel and about my river, cut
16 an elevation of about 250 feet. The two, let's call them
17 "Anderson's Hills." I've talked about the Pine Ridge
18 Hills. You might as well have the Anderson's hills.
19 Your two hills here, both have small, flat spots,
20 terraces on them at about 250, 260 feet elevation. It
21 shows up well in the topographic map.

22 It shows up on some of the major hills to the
23 north just south of the Oakville Cross Road. It shows up
24 in several places here, so the river at one point cut
25 through this whole area.

1 The reason I only have this orange area mapped now
2 as a former Napa River channel is because this geomorphic
3 surface has not been covered up by illuvial fan
4 sediments, whereas to the north, sediments coming off
5 the Rector Canyon fan being the major force, and I
6 acknowledge that there is a minor input of slope wash off
7 of these two northern hills.

8 That's minor compared to the Rector fan sediments.
9 This fan has covered up that old Napa River channel. We
10 know the Napa River went through there because we see the
11 terraces to the north. This Chimney Rock fan here has
12 covered up the Napa River channel and the dry creek fan,
13 no doubt, has as well.

14 So that's a distinct geomorphic surface. It has
15 to have different soils in terms of some soil
16 characteristics than we have down here in the former Napa
17 River channel.

18 In addition, the Soda Canyon fan is another
19 distinct geomorphic surface. Both of these fans are
20 younger than the Napa River channel, but not as young as
21 the Chimney Rock fan. This is mapped as hairloam, as
22 Mr. Altamura pointed out; but there are some real changes
23 in soil types along this road here.

24 There are older parts of this fan and younger
25 parts of this fan. The Soda Canyon fan is very different

1 than theirs. It has a different history relating to
2 farming and then formation of the Soda Canyon Valley.
3 There are small valleys in here that act as topping.

4 This fan at Chimney Rock fan and also the old Napa
5 River changes even though it's, at the same time, kind
6 of a surface north, the same type of soil. I guess I
7 should stop there.

8 MR. MENDELSON: We feel this --
9 eliminating evidence based on your questions and
10 geography north. We've also researched and tracked how
11 the various wineries have been identified themselves, as
12 been revealed by the way they describe and market their
13 grapes and their wine. There has been a lot of talk
14 about '53, precluding the use of appellations after 1983
15 in advertisings based on appellations.

16 This doesn't preclude the usage of what
17 Mr. Andrus has referred to as "word-of-mouth" as the way
18 that appellations develop; also, wineries internal
19 record. In fact, those regulations don't apply to grape
20 growers at all.

21 We introduced the Napa Valley Grape Growers
22 Association listing of available grapes in 1986. The
23 DePuys, who have given tours of the area, and the
24 Missimers listed themselves as the Yountville Cross Road.

25 Right there, just on the other side of the line,

1 Elmer Freethy in the same listing, Stags Leap. We
2 introduced the Napa Valley Appellation Magazine, 1984 to
3 1987, for the listing of the wineries' own perceptions of
4 their appellations.

5 Mr. Anderson in 1986 stated "Yountville" without
6 retraction. Our vintner states "Stags Leap" or simply
7 "Napa Valley." We introduced Joseph Phelps wineries'
8 internal weight tags; one marked "Stags Leap" for their
9 grapes from within the proposed district and the other
10 marked simply "Weeks" in the proposed extension area.

11 We also reviewed the labels of every winery prior
12 to 1983 which used the Stags Leap or Stags Leap District
13 designation on the bottle of wine, including wineries
14 both inside the proposed area and outside; and we tracked
15 the source of the grapes. We discovered, and it has not
16 at all been refuted, that not one of these wines with the
17 Stags Leap District designation contained grapes from the
18 extension, despite the fact that there were grapes
19 available from that area.

20 To Clarify a point Mr. Hillman was talking about,
21 the 7 percent or the 6.7 percent, our calculations were
22 to show the amount of production from this area based on
23 the county ag average of four tons an acre, estimating
24 the production, excluding Amizetta's, whose grapes have
25 been listed as "Yountville" specifically.

1 What percentage of this total production was
2 purchased by wineries within the viticultural area? That
3 was 7 percent. And then it was only used for Napa Valley
4 blends. Obviously wineries within the area produced
5 wines for many areas. These went into the Napa Valley
6 blends, supplemental production.

7 We consulted other wineries which had purchased
8 extension area grapes and asked them if they ever
9 referred to them as Stags Leap District grapes. Mr.
10 Phelps testified yesterday that he called six wineries
11 which had purchased Mr. Weeks' Cabernet and not one of
12 them called those grapes "Stags Leap District" grapes.

13 Let me be clear on that point. We've heard
14 testimony today that some wineries have bought grapes
15 from the extension area as of the same or higher quality
16 than those coming from Stags Leap District. We can see
17 that fact. We also wish to note that the matter at hand
18 is one of distinctiveness related to grape origin, not
19 to grape or wine quality or price, for that matter.

20 Finally, in keeping with your questions, we've
21 explored historical and modern name identification.
22 Mr. Heintz presented information on the division between
23 the Yountville and Napa viticultural districts of the
24 late 1800's. There were only three of them: St. Helena,
25 Yountville and Napa. 1880's, former heyday of

1 viticulture in this county.

2 We noted that the Yountville designation as a
3 voting precinct or the political one may have been
4 broader. I'm talking about viticultural identity, which
5 is exactly relevant to the matter at hand. Our point was
6 to show that there were distinct and separate
7 viticultural identities over 100 years ago between the
8 Yountville District and the Napa District.

9 The line did not follow the cross road. In fact,
10 it very closely approximated our line.

11 The more modern name identification of Stags Leap
12 District as a grape growing region, which dates from
13 around 1970, has followed the same historical precedent.

14 I don't regard viticultural name identification as being
15 in a state of flux at all.

16 The growers and vintners in the Yountville Cross
17 Road area have used this name with remarkable
18 consistency, just as their predecessors did before them
19 did. The issue before you today is not what to call the
20 larger extension area, but when you get around to that,
21 which I'm sure you will, will their viticultural self-
22 identity be relevant evidence? Of course. Well, why
23 isn't it relevant here today?

24 We must deal with the facts such as they exist
25 today. Now I believe these facts argued persuasively for

1 the establishment of the viticultural area as proposed by
2 the petitioners. I heard several times today the
3 comment, I think by Dr. Chambers for one, "I think I'm
4 very valid to be in Stags Leap."

5 I asked him and I asked the neighbors to show us
6 the facts that support that position, particularly those
7 that differentiate the extension area, the Yountville
8 Cross Road from the area to the north. We've accepted
9 our burden of proof for over three years to differentiate
10 outside areas. They must do the same. We demand that
11 kind of equal treatment.

12 This isn't a big guy, little guy issue. It's a
13 consumer issue. We all know that. That is what is at
14 stake. And as for consumers, I think it was Dr. Chambers
15 again. I don't mean to pick on him. I think this is
16 relevant because it relates to consumer perception. He
17 said they're not sure where Stags Leap is. Mr. Hillman
18 pointed to Anthony Dias Blue and Richard Hinkle. It's
19 unclear, according to him.

20 That's no reason to dodge the issue entirely and
21 fall to the nearest easy line, and this is obviously
22 their logic. I would urge you as I did before this
23 hearing started made a request under the Freedom of
24 Information Act to review the comments that you've
25 received, and I know that you received many comments from

1 consumers.

2 Consumers do have ideas. I'm not saying they all
3 coincide with the boundary that we put forth, but let's
4 face it. They're sophisticated. This is Stags Leap
5 District. This is world-wide reputation. I don't even
6 know what to equate it to. This is premier wine; this is
7 distinctive wine. That fact can't be doubted.

8 I urge you to accept the petition as proposed, as
9 marked here in green.

10 Thank you.

11 MR. DRAKE: Thank you.

12 MR. MENDELSON: Do you want me to respond to the
13 question you asked about this line?

14 MR. DRAKE: Yes, if you can.

15 MR. MENDELSON: The reason that we came off the
16 hilltop in this direction is that we were trying to
17 follow the flow of the ridge line. There has been a lot
18 of talk about two hills. This is not just two hills.
19 There is a spur ridge that comes off of these mountains
20 that continues a series of adjacent hills. We followed
21 the general flow of that line.

22 Now it's true that it divides Mr. Missimer's
23 property, not his vineyard. We feel that if the line is
24 accepted, he's on notice. If he plants a vineyard to the
25 south of this area, it's in Stags Leap District. If he

1 chooses not to accept that line and follow the French
2 system, which is based more on property lines, partial
3 definitions, we have given that to you as well. It's on
4 the other map and it's long, but I have read a lot of
5 your boundary descriptions, and I don't think that's very
6 unusual at all.

7 Moreover, this boundary and property line are
8 very, very similar, to my mind, having worked in this
9 area. We are very fortunate and, I think, because this
10 is a natural boundary that was recognized as such as
11 properties were being divided.

12 MR. DRAKE: Thank you.

13 Any questions?

14 In closing, does anyone else wish to testify?

15 I will make a comment on the thoroughness, on the
16 quality of the presentation, as I did yesterday and it
17 was very impressive and it was very sincere.

18 The record will be open for comment on January 15,
19 1988. Written comments will be accepted until then and
20 will be carefully considered in the rule-making process.
21 This hearing is now concluded. I thank you very much for
22 your patience and for your understanding.

23 ---0o0---

24 (Whereupon Hearing concludes at 7:10 P.M.)

25

COUNTY OF NAPA)
STATE OF CALIFORNIA) SS

I, Carole Lynne Johnson, CSR,
a Notary Public in and for the State of California, do
hereby certify:

That the above and foregoing 160 pages contain a
full, true and correct transcription of the proceedings
taken down by me in shorthand at the time and place
therein named and thereafter reduced to typewriting under
my direction.

I further certify that I have no interest in the
event of the action.

WITNESS my hand and seal of office this 10th day
of December, 1988, at Napa
California, California.

Carole Lynne Johnson
CAROLE LYNNE JOHNSON, CSR 2556
Notary Public in and for the
State of California.

