

11 and 12 to the intersection of that contour line with the southern border of Section 12 (on Yountville map);

(15) Then proceeding in a straight line in a westerly direction to the intersection of the Silverado Trail with Skellenger Lane, the point of beginning.

Signed: June 1, 1993.

**Daniel R. Black,**  
Acting Director.

Approved: June 21, 1993.

**John P. Simpson,**  
Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

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## 27 CFR Part 9

[T.D. ATF-343; RE: Notice Nos. 728, 738 and 756]

RIN 1512-AA07

### The Oakville Viticultural Area (89F-92P)

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

**ACTION:** Final rule, Treasury decision.

**SUMMARY:** This final rule establishes a viticultural area in Napa County, California, to be known as "Oakville." The petition for establishing this viticultural area was submitted by the Rutherford and Oakville Appellation Committee which is composed of seven wineries and seven grape-growers within the Rutherford and Oakville areas of Napa County, California. The establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers better identify the wines they may purchase, and will help winemakers distinguish their products from wines made in other areas.

**EFFECTIVE DATE:** August 2, 1993.

**FOR FURTHER INFORMATION CONTACT:** Robert White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Ave., NW., Washington, DC 20226 (202-927-8230).

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR part 4. These regulations allow the establishment of definite viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On

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

Section 4.25a(e)(1), title 27 CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in subpart C of part 9.

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

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

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

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

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

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

#### Rulemaking Proceeding

##### Petition

On March 8, 1989, the Rutherford and Oakville Appellation Committee petitioned ATF for establishment of a viticultural area in Napa County, California, to be known as "Oakville." The viticultural area proposed by the petitioners is located in the south-central portion of the Napa Valley approximately 10 miles northwest of the city of Napa. In general terms, the proposed area extends as far north as Skellenger Lane, as far east as the 500-foot contour line on the western side of the Vaca Mountain Range, as far west as the 500-foot contour line on the eastern side of the Mayacamas Mountain Range, and as far south as approximately one mile northwest of the town of Yountville. The proposed area contains approximately 13 bonded wineries and consists of about 5,760 total acres, most of which are densely planted to vineyards.

##### Notice of Proposed Rulemaking

In response to the petition, ATF published Notice No. 728 in the Federal

Register on September 17, 1991 (56 FR 47039), proposing establishment of the Oakville viticultural area. The notice detailed the boundaries as proposed in the petition, with some minor modifications, and requested comments from all interested persons. Written comments were to be received on or before November 18, 1991.

##### Comments to Notice of Proposed Rulemaking

ATF received 8 comments in response to the notice of proposed rulemaking. Several of these commenters submitted only general comments about the desirability of public hearings or the undesirability of smaller viticultural areas within the Napa Valley. However, two commenters were opposed to the northwestern boundary and two more commenters were opposed to the southwestern boundary of Oakville. Both commenters who opposed the northwestern boundary stated that they felt that any boundaries for Oakville should not include Beaulieu Vineyard properties No. 2 and No. 4 which, according to these commenters, have historically been associated with Beaulieu Vineyard and its Cabernet Sauvignon wines, and which have contributed greatly to the development and consumer recognition of the Rutherford name.

The two commenters who opposed the southwestern boundary of Oakville stated that this boundary extended too far south into what they felt was Yountville. According to one of these commenters, the Oakville/Yountville boundary has always been known by the locals to be Dwyer Road to Highway 29, then Yount Mill Road to Rector Creek.

Based on the controversial nature of the comments received, ATF decided to reopen the comment period for an additional 90 days in order to obtain more information on the establishment of the Oakville viticultural area, its proposed boundaries, and other possible boundaries.

##### Reopening Notice

On April 22, 1992, ATF published Notice No. 738 (57 FR 14681) reopening the comment period on both the proposed Oakville and Rutherford viticultural areas. ATF specifically requested comments on 11 questions which were asked in this reopening notice which mostly pertained to possible boundary changes. Interested persons were given until July 21, 1992, to submit their comments.

##### Comments to Reopening Notice

ATF received a total of 62 comments in response to the reopening notice.

Five commenters, plus petitions containing the names of 56 additional interested persons within the Napa Valley, disagreed with the northwestern boundary of Oakville. These commenters and petitioners felt that any boundaries for Oakville should not include Beaulieu Vineyard properties No. 2 and No. 4 which, according to these commenters, have historically been associated with Beaulieu Vineyard and its Cabernet Sauvignon wines, and which have contributed greatly to the development and consumer recognition of the Rutherford name. Six commenters, on the other hand, stated that they agreed with the originally proposed northwestern boundary of Oakville and did not feel that it should be changed to exclude Beaulieu Vineyard properties No. 2 and No. 4. These commenters stated that these two vineyard properties were located in the Oakville area and referred to the information in the original Rutherford and Oakville petitions as evidence for their position.

Sixteen commenters disagreed with the proposed southwestern boundary of Oakville. These commenters felt that the southwestern boundary extended too far south into what they felt was Yountville. According to these commenters, the Oakville/Yountville boundary has always been known by the locals to be Dwyer Road to Highway 29, then Yount Mill Road to Rector Creek. Eleven commenters, however, agreed with the proposed southwestern boundary of Oakville. These commenters stated that they had lived and worked in the area for thirty years or more and that they had never heard of Dwyer Road (Lane) and Yount Mill Road being used as the boundary line between Oakville and Yountville. And finally, in addition to the previous boundary disputes, one commenter stated that she objected to an Oakville appellation since she is not convinced that more appellations are needed in the Napa Valley.

#### Hearing Notice

As a result of the large number of comments received to the reopening notice and the conflicting nature of the information contained in those comments, ATF determined that a public hearing was necessary and would serve the public interest. Consequently, on October 2, 1992, ATF published Notice No. 756 (57 FR 45588) which announced the time and place of a public hearing to be held by ATF concerning the establishment of the Oakville viticultural area. The notice stated that the hearing would be held in Napa, California, on December 10, 1992,

and requested that all interested persons who wished to testify at the hearing submit a letter notifying ATF of their intent to comment on or before November 9, 1992. The notice also stated that interested persons could continue to submit written comments on this matter until December 28, 1992.

#### Public Hearing

A public hearing was held on December 10, 1992, in Napa, California, for the purpose of gathering additional information and to receive evidence with respect to the establishment of the Oakville viticultural area, the proposed boundaries, and other possible boundaries. Twenty-one persons testified at the public hearing.

#### Controversial Boundaries

As a result of the hearing testimony and the large number of written comments received concerning the establishment of the Oakville viticultural area, ATF has determined that there are three boundary disputes that need to be resolved. These disputes involve the northwestern, southwestern, and eastern boundaries of Oakville. We will address the evidence presented by the different parties for each boundary dispute and then give our final decision as to where the boundaries of the Oakville viticultural area are located and why.

1. **Northwestern Boundary of Oakville.** Mr. Anthony A. Bell of Beaulieu Vineyard submitted letters dated November 15, 1991, and July 17, 1992, requesting that Beaulieu Vineyard properties No. 2 and No. 4 be included in the Rutherford viticultural area, rather than the Oakville viticultural area, due to their historical association and geographical similarity to Rutherford. Subsequently, Mr. Bell submitted a letter dated December 7, 1992, requesting that their earlier requests be amended to only include Beaulieu Vineyard property No. 2 within Rutherford. Mr. Bell requested that Beaulieu Vineyard property No. 4 remain in the Oakville viticultural area. Mr. Bell states that Beaulieu Vineyard property No. 2 should be located within the Rutherford viticultural area because of its historical association with Beaulieu Vineyard Cabernet Sauvignon wines. These wines, according to Mr. Bell, have contributed greatly to the development and consumer recognition of the Rutherford name. Mr. Bell also states that Beaulieu Vineyard property No. 2 has the same or very similar soils and climate as the rest of Beaulieu's vineyard property in the Rutherford area.

Mr. Phillip Freese of Robert Mondavi Winery supports the inclusion of Beaulieu Vineyard property No. 2 within the Rutherford viticultural area. In public testimony given on December 9, 1992, Mr. Freese stated that the Rutherford and Oakville Appellation Committee, of which the Robert Mondavi Winery is a member, relied on a drainage channel on the north side of Beaulieu Vineyard property No. 2, as well as a division of the Rutherford Bear Canyon Fan Complex (Franciscan lithology) and the Oakville Grade Fan Complex (Great Valley Sequence lithology), to provide the geographical feature for the drawing of the viticultural area boundary. Mr. Freese states that subsequent historical research shows that this drainage channel had been redirected by man for the ease of viticultural operations in the subject vineyard blocks. According to Mr. Freese and Mr. Bell, the original drainage of this property went through the middle of the property prior to being rerouted. Mr. Freese states that the boundary should be placed along a well established access road just south of the southern border of Beaulieu Vineyard property No. 2. Mr. Freese states that this access road serves as the northern entrance to the Robert Mondavi Winery property.

Mr. Freese states that historically the grapes from Beaulieu Vineyard No. 2 have been considered Rutherford and have been recognized by Beaulieu Vineyard as Rutherford. In addition, according to Mr. Freese and Mr. Bell, the wine produced from grapes from this vineyard property has been labeled as Rutherford wine. Furthermore, according to Mr. Freese, historical records from the latter part of the nineteenth century show that this property was considered part of Rutherford. These historical records, according to Mr. Freese, also show that the property immediately south of Beaulieu Vineyard property No. 2 was, at that time, owned by H.W. Crabb of Oakville. This historical "Crabb" property is now owned by the Robert Mondavi Winery which considers its location to be Oakville, according to Mr. Freese. Consequently, from both a historical and geographical perspective, Mr. Freese and Mr. Bell state that Beaulieu Vineyard property No. 2 should be included within the Rutherford viticultural area.

The Rutherford and Oakville Appellation Committee also state that Beaulieu Vineyard property No. 2 should be included within Rutherford. They have submitted amended boundaries which, if approved, would

include this vineyard property within Rutherford rather than Oakville.

After reviewing the information submitted by Mr. Bell and Mr. Freese, ATF has determined that Beaulieu Vineyard property No. 2 should be included within the Rutherford viticultural area whereas Beaulieu Vineyard property No. 4 should remain in the Oakville viticultural area. Substantial historical and geographical evidence has been submitted in support of the inclusion of Beaulieu Vineyard property No. 2 within Rutherford. Furthermore, we have received a petition signed by numerous persons within the Napa Valley supporting this proposal. In addition, we have not received any opposition to including Beaulieu Vineyard property No. 2 within Rutherford. Consequently, ATF has decided that Beaulieu Vineyard property No. 2 should be included within the Rutherford viticultural area and Beaulieu Vineyard property No. 4 should be included within the Oakville viticultural area.

2. Southwestern Boundary of Oakville. ATF received numerous comments from persons, most of whom belonged to an organization known as Growers for Meaningful Appellations (GMA), who did not agree with the southwestern boundary of Oakville as proposed by the Rutherford and Oakville Appellation Committee. These persons stated that they felt the proposed southwestern boundary of Oakville extended too far south into what they felt was Yountville. These persons stated that they felt the boundary in this area should be Dwyer Road, Yount Mill Road and Rector Creek.

At the public hearing for Oakville, held on December 10, 1992, in Napa, California, substantial evidence was presented by residents of the area which showed that the originally proposed southwestern boundary for Oakville was much more appropriate than using Dwyer Road and Yount Mill Road. For example, the boundaries of the 1890 Oakville school district, published by the Napa County Board of Supervisors, and the 1884 and 1893 Napa County viticultural inventories, published by the California State Board of Viticultural Commissioners and the San Francisco Wine Merchant, support the position that Dwyer Road and Yount Mill Road have never been used as the dividing line between Oakville and Yountville. The residents of this area believe instead that the depositional ridge which approximates the southwestern boundary of Oakville is the appropriate boundary from both a historical and current perspective.

Immediately prior to and during the public hearing, the organization known as Growers for Meaningful Appellations changed their position and agreed that the southwestern boundary of Oakville should remain as proposed by the Rutherford and Oakville Appellation Committee. Consequently, there is now general agreement among substantially all parties involved that the southwestern boundary of Oakville should remain as proposed by the Rutherford and Oakville Appellation Committee.

After reviewing the information submitted at the public hearing, as well as the numerous written comments received on this matter, ATF has determined that no changes should be made to the originally proposed southwestern boundary of Oakville. Since numerous historical and geographical evidence was presented in support of the currently proposed boundaries, and since almost all opposition to the current boundaries has been withdrawn, ATF has decided to adopt the previously proposed southwestern boundary of Oakville as the appropriate boundary.

3. Eastern Boundary of Oakville. ATF has received several requests from persons who own vineyard property in the hills almost directly east of the Oakville Cross Road to include this area within the Oakville viticultural area. Mr. R. Gregory Rodeno, a lawyer representing Dalla Valle Vineyards, submitted evidence showing that the 500-foot contour line in this area, which is the currently proposed eastern boundary for Oakville, would cut through the center of Mr. Gustav Dalla Valle's vineyards. Mr. Rodeno also submitted evidence to show that this 500-foot contour line would also cut through the vineyards owned by Weitz Vineyard, Inc.

In addition, Mr. Rodeno submitted evidence from the Soil Survey of Napa County, California, prepared by the United States Department of Agriculture Soil Conservation Service, which characterizes all of the soils in the area as "Boomer Series," an acid loam and acid clay loam soil type. The area containing the vineyards of Weitz and Dalla Valle is designated on the soils map as 107 which is Boomer loam on slopes of 2 to 15 percent. The areas surrounding it are designated 109 which are Boomer gravelly loam on slopes of 30 to 50 percent and contain rocky debris and pebbles to a greater extent than the more gently sloping 107 designation.

Since the 500-foot contour line in this particular area divides vineyards that are located on the exact same soil series

(Boomer loam on slopes of 2 to 15 percent), Mr. Rodeno suggests that the 700-foot contour line would make a much better eastern boundary for Oakville in this area than the 500-foot contour line.

In addition, Mr. Randy Lewis of Oakville Ranch Vineyards submitted a letter dated December 21, 1992, which states that the boundary for the Oakville viticultural area should be modified to include Oakville Ranch Vineyards. Mr. Lewis states that due to his winery's name, history, location and style of fruit, Oakville Ranch Vineyards is considered an Oakville winery by the public and by the wineries in Napa Valley that buy grapes from his winery.

Mr. Lewis states that his winery and vineyards are a highly visible part of the unique landscape that includes Backus vineyards and Dalla Valle vineyards. He states that all of these vineyards have identical or nearly identical soil and similar weather conditions. Mr. Lewis states that this contiguous area is the only large area of planted hillside vineyards that one sees driving east across Oakville Cross Road toward the Silverado Trail. Mr. Lewis indicates that a portion of the grapes from his vineyards are purchased by Joseph Phelps Winery because of their distinct similarity to grapes from Backus vineyards. According to Mr. Lewis, Backus vineyards are leased by Joseph Phelps Winery and are located within the currently proposed Oakville viticultural area.

In support of his position, Mr. Lewis submitted a letter from Ms. Deborah Elliott-Fisk on the geographic and viticultural distinctiveness of what Ms. Elliott-Fisk calls the "Backus Terraces" of which Oakville Ranch Vineyards is an integral part. Based on Ms. Elliott-Fisk's report, Mr. Lewis states that the "Backus Terraces" (of which he is a part) are the only extensive uplifted portion of the Napa Valley floor in the Napa Valley viticultural area. Because of the similarity of this area to the rest of the proposed Oakville viticultural area and because of the historical association of this area with Oakville, Mr. Lewis believes that this area should be included within the Oakville viticultural area.

The soils report, prepared by Ms. Elliott-Fisk and submitted as an enclosure to Mr. Lewis's letter, states that this area is an uplifted section of the Napa Valley floor (i.e., these sediments were deposited along the valley floor and soils largely formed on the valley floor). Ms. Elliott-Fisk states that the acreage proposed for inclusion by Oakville Ranch is between the 500-foot contour line and a 1006-foot

benchmark on a terrace along a flight of uplifted valley floor terraces immediately east of the Silverado Trail and north of the Oakville Cross Road. Ms. Elliott-Fisk states that this acreage is an old alluvial fan and that this fan has been broken and uplifted along a series of faults, producing 4 distinctive, reasonably "flat" geomorphic surfaces, referred to hereafter as terraces. Ms. Elliott-Fisk states that vineyards are planted along the lower three terraces, including the Backus vineyard on the first terrace, the Dalla Valle vineyard on the second terrace, and Oakville Ranch on the third terrace. She indicates that no vineyards are planted (or envisioned as being planted) on the fourth terrace above (south and east of) the 1006-foot benchmark. Ms. Elliott-Fisk states that the boundary modification proposed by Oakville Ranch is clearly the best way to bring this distinctive area into the proposed Oakville viticultural area.

Ms. Elliott-Fisk states that there are 3 important geological characteristics of the "Backus Terraces" which should be noted and which justify the inclusion of this acreage in Oakville based on its geology. These 3 geological characteristics are:

(1) The sole rock type here is andesite from the Sonoma Volcanics; andesite is an igneous, extrusive (i.e., volcanic) rock of intermediate composition; andesite is present here in a very few rock outcrops, but more importantly as the soil parent material, broken down as sands, gravels, pebbles, cobble and boulders; this lithology is similar, but not identical, to the Rector Canyon Fan;

(2) This entire landscape is an old alluvial fan deposit that formed on the Napa Valley floor as an alluvial fan over 250,000 years ago (her date on the minimum age of the fan cobbles in the Backus vineyard); at some point following valley floor fan construction, the fan was uplifted and broken along a series of listric faults, forming the terraces that can be seen today; and

(3) The tectonic uplift that created these terraces was accompanied by the rapid downcutting of Rector Creek and the formation of Rector Canyon; Rector Canyon has extremely steep valley walls that could only have formed with rapid tectonic uplift; the Rector Canyon fan was deposited along the valley floor accompanying this erosion and formation of Rector Canyon.

Ms. Elliott-Fisk states that the geomorphic deposits and hence soil parent materials that form the "Backus Terraces" are alluvial fan deposits derived from the Sonoma Volcanics, and in her examination almost exclusively andesite. She indicates that like the Oakville Grade and Rector

Canyon fans, these deposits were laid down across the Napa Valley floor from mountain streams that were tributaries to the Napa River. Unlike these two other regions, however, this particular location experienced very rapid geologic uplift, with the fan lifted and warped up above the valley floor. Nonetheless, the parent material for the soil is alluvial fan sediments, with the soils classified as volcanic alluvial fan soils. Ms. Elliott-Fisk also states that the Backus vineyards soil (which is most similar to the Perkins series, but is really its own series as it is much older) covers the entire "Backus Terraces" surface which includes the vineyards owned by Dalla Valle and by Oakville Ranch Vineyards. There are no other soils across this entire surface, according to Ms. Elliott-Fisk. Consequently, Ms. Elliott-Fisk states that, from a geologic perspective, the "Backus Terraces" belong in the Oakville viticultural area.

After reviewing the information submitted by Mr. Lewis and Mr. Rodeno, ATF has determined that the "Backus Terraces" area should be included within the Oakville viticultural area. This will entail going up to the 1006-foot elevation benchmark in this particular area. We feel that this is justified in this one area due to expert testimony to the effect that the soils in this area were originally formed on the valley floor approximately 250,000 years ago and then, at some later time, uplifted and broken along a series of listric faults, forming the terraces that are visible today. We have also received evidence to the effect that the soils on these terraces are either identical or almost identical and that the climate is very similar to the rest of the Oakville area. In addition, U.S.G.S. maps of the area do not delineate this area as a separate entity with a different name than the rest of the Oakville area. And finally, the landowners in the area in question consider and advertise their property as being part of Oakville.

The original petitioners for the Oakville viticultural area used the 500-foot contour line for their eastern and western boundaries to separate mountain and valley viticultural environments. According to Ms. Elliott-Fisk, this is justified in regards to the overall topography, soils and climates of the Napa Valley. However, Ms. Elliott-Fisk states that in this particular area, the Oakville Ranch proposal to include a small section of the lower mountain slopes should be regarded as a unique modification of this valley-mountain delimitation due to its being an uplifted section of the Napa Valley floor with identical soils as that found on the valley floor.

As a result of the extensive geographical information submitted by Mr. Lewis and Mr. Rodeno, as well as evidence that the area in question is considered to be part of Oakville, ATF has decided to include this area within the Oakville viticultural area.

ATF's decisions with respect to the boundaries as discussed above are hereby incorporated into the analysis of the Oakville viticultural area as follows

#### Boundary

The boundary of the Oakville viticultural area may be found on two United States Geological Survey maps, titled Yountville Quadrangle and Rutherford Quadrangle, with a scale of 1:24,000. The boundary is described in § 9.134 which can be found in the regulations portion of this document.

#### Viticultural Area Name

The name Oakville has been associated with the area between Yountville and Rutherford in the Napa Valley for over 100 years. From the mid-nineteenth through the early twentieth centuries, Oakville moved from an unnamed region with an unknown reputation to become a settled and integral part of Napa County and of the Napa Valley wine industry. Wine writers as early as the 1880s wrote highly of wine from H.W. Crabb's Tokalon vineyards in Oakville. Mr. Crabb's extensive landholdings, business and influence in the region south of Rutherford contributed to the establishment of the village of Oakville. While little is known about the man H.W. Crabb, much is written of his grape-growing techniques and the success of his vineyards.

From 1850 to 1880, Oakville steadily increased in prominence as a community center. One reason for its emergence was the establishment of the rail system from Napa to Calistoga in 1868. Geographer William Ketteringham writes, "With the completion of the [railroad] line in 1868 other settlements along the line such as Rutherford and Oakville sprang up."

The Oakville Post Office was established in 1867 and the Oakville voting precinct was established in 1902. During the 1870s and early 1880s, there was rapid expansion in the number of vineyard plantings and wine production. H.W. Crab saw his first plantings of 1868 become the core of over 290 vineyard acres by 1880. During that year he produced over 300,000 gallons of wine or approximately 11 percent of all the wine produced in Napa Valley.

Following the wine boom of the 1870s and early 1880s, Napa Valley wineries

suffered a significant setback as phylloxera set in. Vineyard plantings decreased 83 percent over a ten-year period, from 18,177 acres in 1890 to 3,000 acres in 1900. This period was followed by Prohibition from 1919 to 1933. Surprisingly, planted acreage during Prohibition increased in Napa Valley to keep pace with the burgeoning demand for grapes used to make medicinal, sacramental and home wines, which remained legal. After Prohibition, planted acreage in Napa County remained at around 10,000 acres through the 1960s. Not until the wine renaissance of the 1970s was the acreage total of 1890 surpassed.

The name Oakville has a long history of use by wine books and magazines to describe this prominent Napa Valley wine community. Some examples of these publications include *The Connoisseurs' Handbook of California Wines* by Charles E. Olken, Earl G. Singer and Norman S. Roby, third edition, revised, 1984; *The Wine Spectator* magazine, "The Rutherford Bench" by James Laube, July 15, 1987; the *Friends of Wine* magazine, "Napa Winery Profiles: The Quest for Site", May 1984, and "Back to the Vineyards" by Bob Thompson, May, 1985; and the *Modern Encyclopedia of Wine*, by Hugh Johnson, second edition, revised and updated, 1987.

#### Historical/Current Evidence of Boundaries

Because the village of Oakville is not an incorporated township, there are no municipal boundaries on which to rely in delimiting this area. Consequently, the petitioners to a great extent utilized commercial and public sector uses of the community name in establishing the boundaries of the Oakville viticultural area. The Oakville Crossroads and the Oakville Post Office are the most notable examples of the name's use within the area.

Postal and telephone service areas are less relevant in terms of precise boundaries for the area but do attest to consumer recognition of Oakville as a distinct and separate community.

Also, various wine press accounts have helped to define what is considered to be the Oakville area. One such account from *The Connoisseurs' Handbook of California Wines* includes the following entry:

Oakville (Napa). Situated in the southern end of Napa Valley, halfway between Yountville and Rutherford, this way station is the home of several wineries (foremost among them the Robert Mondavi Winery) and adjoins some of the Napa Valley's best Cabernet growing turf. The superb Martha's Vineyard produced by Heitz Cellars and a

substantial portion of the Robert Mondavi Cabernet vineyards are in Oakville, along the western edge of the valley floor. Other wineries in the area are Villa Mt. Eden and an Inglenook production and bottling plant.

Of the approximately 13 bonded wineries located in the area, all but two have Oakville addresses. The only exceptions are one winery east of the Silverado Trail which uses a Napa address and one winery just south of the village of Oakville which uses a Rutherford address, due to its affiliation with a winery in the Rutherford area. The winery using the Napa address appears to do so because they receive their mail directly from the Napa post office rather than maintaining a post office box in Oakville. These bonded winery addresses (with the exceptions noted) help to substantiate the boundaries proposed in the petition.

#### Geographical Features

Napa Valley can be divided into a group of distinct topographical areas: The lowland Napa River valley between the Mayacamas and Vaca Ranges; the mountains themselves; and the intermontane, eastern portions of the county beyond the watershed of the Napa River. The elevational differences and relief between these areas are pronounced and influence all aspects of the region's physical geography (climate, geomorphology, hydrology, soils and vegetation).

The floor of the Napa Valley is 25 miles in length south to north and between one and four miles wide. Traversing the entire length of the valley is the Napa River, which commences north of Calistoga and drains into San Pablo Bay. Along its course through the valley, the river elevation drops from around 380 feet near the city of Calistoga to around 20 feet near the city of Napa. The gently sloping valley floor, however, is interrupted by numerous bedrock outcrops which form isolated hills. The Yountville Hills are the highest of these "bedrock islands" and have influenced the geographic evolution of the Oakville area. In other places, the valley floor features broad alluvial fans extending toward the center of the valley from mountain streams which serve as tributaries to the Napa River.

Two fundamental geographic distinctions within Napa Valley are particularly relevant to the delimitation of the proposed Oakville viticultural area: On the east-west axis, mountain versus valley floor, delineating the valley floor viticultural environments; and on the north-south axis, climatic differences as the result of a decreasing incursion of maritime air into the valley.

These distinctions can be integrated with the community identity of Oakville (and the other communities of Napa Valley) to provide consumers with meaningful and distinctive reference points concerning the viticulture of Napa Valley. From the perspective of a wine consumer, such basic geographic distinctions offer a useful introduction to the complexity of viticulture in Napa Valley.

#### Climate

The major climatic difference between the watershed area of Napa Valley and the outlying valleys is the maritime nature of the former. Whereas the valley as defined by the watershed area is classified as a coastal valley, the outlying valleys are considered interior or inland valleys, representing a different climatic type. This is well evidenced by the vegetation, the distribution of which is primarily controlled by climate. Moderate to high elevations in the interior valleys are covered by chamise chaparral and other plant communities tolerant of summer drought and heat. At these same elevations in the Napa Valley river drainage, mixed forests of douglas fir, oak, madrone and coastal redwood dominate. Bedrock geology and soils act as secondary influences controlling these vegetation distributions.

Higher elevation and mountainous regions within Napa Valley experience shorter growing seasons (though they may extend longer into early autumn), fewer degree days, lower daily maximum temperatures during the growing season, less fog, increased solar radiation and increased precipitation. These conditions affect the time of wine grape harvest. In the mountainous areas, desirable acid-sugar levels often are reached much after the harvest on the valley floor. In some mountain settings, with small intermontane basins, local cold air drainage may result in marginal conditions for wine grape production.

Along the valley floor from Napa to Calistoga, there are pronounced mesoclimatic variations which relate to the penetration of marine influences from San Pablo Bay and, to a lesser extent, to the rise in elevation as one proceeds up valley.

A mesoclimate is a subdivision of a macroclimate. California's Mediterranean climate is considered a macroclimate. Napa Valley's mesoclimates refer to modifications of this macroclimate due to altitude/elevation or distance from the nearest ocean. Because of the diminution of marine influences as one travels up valley, the northern regions of the valley are characterized by much warmer



summers and significantly colder and wetter winters than in the south. That is, summer temperatures and total precipitation increase as one travels north. Summer days down valley often are cool, foggy and breezy. The fog usually dissipates early in the day, clearing first to the north and progressing southward to the bay.

Altitudinal variation also affects temperature distribution. The lower, southern troughs of the valley experience the lowest winter temperatures along the valley floor. As the elevation rises up valley, temperatures also rise, between 1.5 and 2.8 degrees Fahrenheit for each 500 feet.

As a result of these mesoclimatic trends along the valley floor, wine writers often speak of different climate regions within Napa Valley. The following excerpt from William Masse's Guide to the Wines of America is illustrative of the association of community names with mesoclimatic variations in Napa Valley.

[In the Carneros area] there is a tempering influence from the northern round of bay, San Pablo, a receptacle for rivers—the Sacramento and San Joaquin, the Petaluma and Napa—and many creeks. Cool air currents sweep down from the mountain and in from the ocean, bringing fog. It is a cool Region One, \* \* \*. Around Yountville, it is about one and a half—you can often see the fog line in the morning that marks the difference. Near Oakville, it is a cool Region Two, where Beaulieu grows its Johannisberg Riesling, up behind Bob Mondavi. Rutherford is a solid Region Two but it is warmer in Vineyard No. 3, to the east, because it gets the late sun. Up around Calistoga, it is Region Three.

The Oakville viticultural area is cooler than the area around Rutherford to the north and warmer than the Yountville area to the south. The incursion of fog is especially more pronounced at the southern end of the Oakville area. The southern boundary of the Oakville area follows the elevation and hydrologic divide west of the Yountville Hills and the crest of Rector Canyon fan, along Rector Creek, east of the Yountville Hills. Rector Creek converges with Conn Creek and the Napa River at the southern end of the Oakville viticultural area.

Within this general mesoclimatic context, local relief or topoclimate is significant in determining diurnal temperature pattern within the Oakville viticultural area. Topoclimate refers to a subdivision of mesoclimates influenced by topography, which may be elevational, topographic blocking by a barrier, or a change in slope or aspect.

In sum, as opposed to some mountain settings of Napa Valley, this part of the central portion of the valley floor offers

the type of climatic conditions necessary for the production of a wide variety of wine grapes. Considerable acreage is planted to several varieties, including Cabernet Sauvignon, Chardonnay, Sauvignon Blanc, among others, throughout this region.

#### Geological History

Geological history is an important factor in shaping Napa Valley viticultural environments. Napa Valley is largely a synclinal (down-folded) valley of Cenozoic age. Faulting (accompanied by minor folding) throughout the valley later resulted in the formation of bedrock "islands" (outcrops) across the valley floor. These rock islands have been modified during the last million years through erosion by the Napa River, its tributaries and other erosional slope processes. Sections of the old Napa River channel are still visible here and there in the valley, including in several places within the Oakville viticultural area.

In this central portion of the valley, much of the old river channel and its alluvial sediments have been buried by more recent Napa River floodplain sediments, but they principally have been covered by alluvial fans emerging from the mountain streams on the western and eastern sides of the valley. The age and size of these fan surfaces are a function of climatic change, basin lithology (mineral composition and structure of rocks), and basin size, all of which vary among the four major drainage basins in the Oakville and Rutherford areas, accounting for differences in these fan surfaces.

The northern fans (in the Rutherford area) are the larger geomorphic features, have more significantly controlled the course of the Napa River through time, and are geologically more diverse.

#### Soils and Hydrology

The occurrence of specific soil types can be related to topography in Napa Valley, as topography is one of the five variables that controls soil formation. The Soil Survey of Napa County, California [hereinafter Soil Survey], published by the U.S. Department of Agriculture Soil Conservation Service in 1978, divides the 11 soil associations of Napa County into two general categories: lowland depositional soils, which account for four of the 11 soil associations and are found on alluvial fans, floodplains, valleys and terraces; and upland residual soils, which account for the remaining seven soil associations, and are found on bedrock and colluvially-mantled slopes. The "General Soil Map" from the Soil Survey shows the location of these

upland and lowland soils. This map as well as the text of the Soil Survey show that the lowland-upland soil break occurs at around the 500-foot elevation. This same elevation line has been used, with one exception, to differentiate the Oakville viticultural area from the mountains to the east and west.

As one proceeds down Napa Valley, Zinfandel Lane marks the widening of the valley floor, which continues until the appearance of the Yountville Hills at the southern end of Oakville. Part of the southern boundary of the Oakville viticultural area is a depositional ridge which projects perpendicularly across the valley towards the Yountville Hills. This ridge is located at the narrowest point between the Yountville Hills and the Mayacamas Range. To the north of this ridge, streams drain towards the northeast, and to the south of this ridge streams drain to the southeast. The ridge, which is at an overall elevation of around 200 feet, thus functions as a drainage divide.

#### Specific Climatological Information

A previously published report, prepared by the National Oceanic and Atmospheric Administration and submitted on behalf of the Napa Valley Appellation petition in 1980, established the general weather and climatic differences of Napa County. This report showed that Napa Valley can be divided into two general climatic regions (coastal and inland), and three topographical areas—the valley itself lying within the Mayacamas Range to the west and the Vaca Range to the east; the area within the mountains themselves; and the area covering the eastern portion of the county.

The elevation within Napa County increases as one progresses north up the valley. With this increase in elevation there is an increase in precipitation, ranging from 20 inches in the south to 50 inches in the north. Additionally, the coastal influence in the Napa Valley results in a relatively moderate climate in the south (warmer than the northern area of Napa Valley in the winter and cooler in the summer) and a relatively extreme climate in the north (hotter than the southern area of Napa Valley in the summer and colder in the winter).

Two sets of data have been submitted to show the difference in temperature, measured in degree-days, between the different areas in Napa Valley. The first set of data is from the Cooperative Extension, University of California, Napa Valley, and is shown below:

Location	De- gree- days	Temperature relative to Rutherford in cen- ter of valley
Calistoga .....	3369 ..	+7 percent.
St. Helena ....	3229 ..	+2 percent.
Rutherford ....	3159 ..	0
Oakville .....	3124 ..	-1 percent.
Napa .....	2882 ..	-9 percent.

The second set of data was collected by the Rutherford and Oakville Appellation Committee. The weather stations used to collect this data are generally located within the center of the Napa Valley, where they are subject to similar relative humidity, wind direction and solar radiation conditions. The data is shown below and is the average reading for the 4-year period between 1985 and 1988:

Location	De- gree- days	Temperature relative to Rutherford in cen- ter of valley
Calistoga .....	3768 ..	+11 percent.
St. Helena ....	3575 ..	+5 percent.
Rutherford ....	3389 ..	0
Oakville .....	3039 ..	-10 percent.
Yourtownville .....	2695 ..	-20 percent.
Napa .....	3180 ..	-6 percent.

**Rainfall**

The Cooperative Extension, University of California, Napa Valley, has prepared a chart showing that rainfall generally increases as one proceeds up the Napa Valley from Napa to Calistoga. The data is shown below:

Location	Approximate yearly rain- fall (inches)
Calistoga .....	45 to 50
St. Helena .....	35 to 40
Rutherford .....	35 to 40
Oakville .....	35
Yourtownville .....	30
Napa .....	30

**Soil**

The "General Soil Map" of Napa County, California, prepared by the United States Department of Agriculture (U.S.D.A.) Soil Conservation Service, shows most of the Napa Valley floor as being generally the same types of soils. These soils are the Bale-Cole-Yolo series which are nearly level to gently sloping, well drained and somewhat poorly drained loams, silt loams, and clay loams on flood plains, alluvial fans, and terraces.

In addition to the Bale series, the Pleasanton soil series dominates much of the central section of the Napa Valley floor. Both of these soil series consist of deep, alluvial soils.

According to Associate Professor Deborah L. Elliott-Fisk, Department of

Geography, University of California, Davis, the high frequency of clasts from Sonoma Volcanics in the Oakville fan soils unifies the Oakville viticultural area and distinguishes it from Rutherford. The contribution of small percentages of metamorphic clasts (such as serpentine and chert) on the Rutherford fan soils contributes to minor soil differences between the Rutherford viticultural area and Oakville. The composition of these types of minerals and rocks tends to raise the soil pH slightly in the Rutherford area and alters soil texture and plant nutrition.

After a review of the entire record in this matter, including all data submitted pursuant to the public hearing, ATF believes that there is sufficient evidence with respect to name, boundaries, and geographical features to warrant the establishment of the Oakville viticultural area.

**Rutherford Viticultural Area**

In today's issue of the Federal Register, ATF is also publishing a Treasury decision on the Rutherford viticultural area. This area is in Napa Valley adjacent to the Oakville viticultural area. All interested parties should review this Treasury decision.

**Petitions for Oakville Bench and Rutherford Bench Viticultural Areas**

The petitions for the Oakville Bench and Rutherford Bench viticultural areas, which were submitted at the same time as the petitions for the Oakville and Rutherford viticultural areas, have been officially withdrawn by the Rutherford and Oakville Appellation Committee. Consequently, no further action will be taken concerning these petitions.

**Miscellaneous**

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

**Executive Order 12291**

It has been determined that this document is not a major regulation as defined in Executive Order 12291 and a regulatory impact analysis is not required because it will not have an annual effect on the economy of \$100 million or more; it will not result in a

major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

**Regulatory Flexibility Act**

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement nor approval by ATF of the quality of wine produced in the area, but rather an identification of an area that is distinct from surrounding areas. ATF believes that the establishment of viticultural areas merely allows wineries to more accurately describe the origin of their wines to consumers, and helps consumers identify the wines they purchase. Accordingly, ATF certifies that the designation of a viticultural area itself has no significant economic impact on a substantial number of small businesses within or without the area because any commercial advantage can only come from consumer acceptance of wines made from grapes grown within the area. In addition, no new recordkeeping or reporting requirements are imposed. Therefore, a regulatory flexibility analysis is not required.

**Paperwork Reduction Act**

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

**Drafting Information**

The principal author of this document is Robert White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

**List of Subjects in 27 CFR Part 9**

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine. Issuance Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas is amended as follows:

**PART 9—AMERICAN VITICULTURAL AREAS**

Par. 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

**Par. 2.** The Table of Sections in subpart C is amended to add the title of § 9.134 to read as follows:

**Subpart C—Approved American Viticultural Areas**

Sec.

\* \* \* \* \*

**§ 9.134 Oakville.**

**Par. 3.** Subpart C is amended by adding § 9.134 to read as follows:

**Subpart C—Approved American Viticultural Areas**

\* \* \* \* \*

**§ 9.134 Oakville.**

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

(b) *Approved maps.* The appropriate maps for determining the boundary of the Oakville viticultural area are two U.S.G.S. 7.5 minute series topographical maps of the 1:24,000 scale:

(1) "Yountville Quadrangle, California," edition of 1951, photorevised 1968.

(2) "Rutherford Quadrangle, California," edition of 1951, photorevised 1968, photoinspected 1973.

(c) *Boundary.* The Oakville viticultural area is located in Napa County in the State of California. The boundary is as follows:

(1) Beginning on the Yountville quadrangle map at the point where the county road known as the Silverado Trail intersects Skellenger Lane, just outside the southwest corner of Section 12, Township 7 North (T.7 N.), Range 5 West (R.5 W.), the boundary proceeds in a southwesterly direction in a straight line approximately 1.7 miles along Skellenger Lane, past its intersection with Conn Creek Road, to the point of intersection with the main channel of the Napa River (on the Rutherford quadrangle map);

(2) Then south along the center of the river bed approximately .4 miles to the point where an unnamed stream drains into the Napa River from the west;

(3) Then along the unnamed stream in a generally northwesterly direction to its intersection with the west track of the Southern Pacific Railroad Track;

(4) Then southeasterly along said railroad track 1,650 feet to a point which is approximately 435 feet north of the centerline of the entry road to Robert Mondavi Winery (shown on the map) to the southeast corner of Assessor's Parcel Number 27-250-14;

(5) Thence southwesterly S 55°06'28" W for 3,869 feet along the common boundary between Assessor's Parcel Numbers 27-250-14 and 27-280-50/51

to the southwest corner of Assessor's Parcel Number 27-250-14;

(6) Thence northwesterly N 40°31'42" W for 750 feet along the westerly property line of Assessor's Parcel Number 27-250-14;

(7) Thence southwesterly S 51°00' W in a straight line to the 500-foot contour line of the Mayacamas Range in the northwestern corner of Section 28, T.7 N., R.5 W.;

(8) Then proceeding along the 500-foot contour line in a generally southeasterly direction through Sections 28, 29, 20, 29, 28, 29, 28, 33 and 34 of T.7 N., R.5 W. and Section 3 of T.6 N., R.5 W. to its intersection with the unnamed stream known locally as Hopper Creek near the middle of Section 3;

(9) Then along the unnamed stream (Hopper Creek) southeasterly and, at the fork in Section 3, northeasterly along the stream to the point where the stream intersects with the unnamed dirt road in the northwest corner of Section 2, T.6 N., R.5 W.;

(10) Then proceed in a straight line to the light duty road to the immediate northeast in Section 2, then along the light duty road in a northeasterly direction to the point at which the road turns 90 degrees to the left;

(11) Then proceed along the light duty road 625 feet, then proceed northeasterly (N 40°43' E) in a straight line 1,350 feet, along the northern property line of Assessor's Parcel Number 27-380-08 (not shown on the map), to State Highway 29, then continuing in a straight line approximately .1 mile to the peak of the 320+ foot hill along the western edge of the Yountville Hills;

(12) Then proceed due east to the second 300-foot contour line, then follow that contour line around the Yountville Hills to the north to the point at which the 300-foot contour line exits the Rutherford quadrangle map for the second time;

(13) Then proceed (on the Yountville quadrangle map) in a straight line in a northeasterly direction approximately N 34°30' E approximately 1,000 feet to the 90 degree bend in the unimproved dirt road shown on the map, then along that road, which coincides with a fence line (not shown on the map) to the intersection of Conn Creek and Rector Creek;

(14) Then along Rector Creek to the northeast past the Silverado Trail to the Rector Reservoir spillway entrance, then proceed due north along the spillway of Rector Reservoir, then east and northeast along the shoreline of Rector Reservoir to the point where the first unnamed stream enters the Reservoir;

(15) Thence follow the unnamed stream north and northeast to where it intersects an unimproved dirt road at the 1006-foot benchmark;

(16) Then proceed in a straight line approximately .6 mile due west to the intersection of an unnamed stream, then follow said stream downslope to the 500-foot contour line, and along that contour line northwesterly through sections 18 and 13 to the intersection of the contour line with the southern border of Section 12 in T.7 N., R.5 W.;

(17) Then proceed in a straight line in a westerly direction to the intersection of Skellenger Lane with the Silverado Trail, the point of beginning.

Signed: June 1, 1993.

**Daniel R. Black,**

*Acting Director.*

Approved: June 21, 1993.

**John P. Simpson,**

*Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).*

[FR Doc. 93-15651 Filed 7-1-93; 8:45 am]

BILLING CODE 4610-31-U

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 228**

(FRL-4674-8)

**Ocean Dumping; Designation of Site, Norfolk, VA**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA designates a new dredged material disposal site located offshore of Norfolk, Virginia as an EPA approved ocean dumping site for the dumping of dredged material that meets ocean dumping criteria removed from the entrance channels to the Chesapeake Bay and other lower Chesapeake Bay areas. This action is necessary to provide an acceptable ocean dumping site for the current and future disposal of this material. The final site is subject to monitoring to insure that unacceptable adverse environmental impacts do not occur.

**EFFECTIVE DATE:** This designation shall become effective on July 2, 1993.

**ADDRESSES:** Send comments to:

William C. Muir, Environmental Assessment Branch, Environmental Services Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, PA 19107.

The file supporting this designation is available for public inspection at the following locations: