

DEPARTMENT OF THE TREASURY**Bureau of Alcohol, Tobacco and Firearms****27 CFR Part 9**

[Notice No. 418]

Alexander Valley Viticultural Area**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury.**ACTION:** Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in Sonoma County, California, to be known as "Alexander Valley." This proposal is the result of petitions filed by groups which represent grape/wine industry members located in the area. The petitions were submitted by the "Appellation Committee" and an unnamed group. The establishment of viticultural areas and the subsequent use of viticultural area names in the wine labeling and advertising will allow wineries to better designate the specific grape-growing area where their wines come from and will enable consumers to better identify the wines they purchase.

DATE: Written comments must be received by (October 18, 1982).

ADDRESSES: Send written comments or requests for a public hearing to: Chief, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044-0385, (Attn: Notice No. 418).

Copies of the petitions, the proposed regulations, maps with the boundaries of the proposed viticultural areas marked, and any written comments will be available for public inspection during normal business hours at the: ATF Reading Room, Office of Public Affairs and Disclosure, Room 4405, Federal Building, 1200 Pennsylvania Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Jim Whitley, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:**Background**

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

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

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features.

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

(a) Evidence that the name of the 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 the 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. maps with the boundaries prominently marked.

Petitions

ATF has received two petitions proposing areas in northeast Sonoma County, California, as viticultural areas. Each petition proposes a viticultural area to be known as "Alexander Valley" which encompasses an area in the arm of the Russian River Valley lying north of the town of Healdsburg. However, the boundaries proposed in the petitions are different. The petitions were submitted by the "Appellation Committee" (hereinafter referred to as Group "A") which consists of 18 persons and an unnamed group (hereinafter referred to as Group "B") which consists of 15 persons. These groups are composed of vineyard owners, winery operators and other members of the grape/wine industry located in the area. The viewpoints of industry members in the southern and northern segments of the valley arm regarding establishment of a viticultural area are generally represented by the proposals presented by the petitions of Group "A" and Group "B", respectively.

The proposed viticultural areas would encompass areas in the above-mentioned valley arm and surrounding uplands. The valley arm lies on a west to east axis and extends from just north of the town of Cloverdale, at the northern end, to just south of Maacama Creek, at the southern end. The Russian River flows through almost the entire length of the valley arm. The valley arm distinctly narrows in the vicinity of the town of Asti to approximately one-half mile in width. Some authorities have used this point of narrowing as a division point to divide the valley arm into northern and southern segments known, respectively, as "Cloverdale Valley" and "Alexander Valley." The valley arm is approximately 22 miles in length, averages 1.75 miles in width, and consists of approximately 24,000 acres or 38 square miles. The valley arm is distinguished from the main Russian River Valley by a low range of hills in the vicinity of the town of Lytton. In fact, the valley arm is almost totally surrounded by upland areas. These upland areas are generally composed of rolling hills that range from 300 feet to 1,000 feet in elevation and fairly rugged small mountains that rise to about 2,000 feet.

Group "A" Proposal

This group proposed boundaries for their viticultural area that would encompass the southern two-thirds of the valley arm. The total area encompassed within the boundaries of the proposed viticultural area consists of approximately 35,000 acres or 55 square miles. Approximately one-half of this area, i.e. 16,500 acres or 25.75 square miles, is in the valley arm proper. The remaining area represents uplands on the eastern, western, and southern boundaries of the proposed viticultural area. The majority of these uplands are situated on the eastern boundary. There are 12 wineries and approximately 100 vineyard operations in the proposed viticultural area. There are approximately 11,000 acres of grapes planted in the proposed viticultural area. The boundaries of the viticultural area proposed by Group "A" may be found on five U.S.G.S. quadrangle maps, 7.5 minute series (Topographic), scale 1:24,000—mark west springs, Mount St. Helena, Jimtown, Geyserville, and Healdsburg. The specific viticultural area boundaries proposed by the petitioner are detailed in the proposed regulations at § 9.53a(c).

Also, the boundaries proposed by Group "A" for their viticultural area overlap the boundaries of the proposed "Chalk Hill" viticultural area. The

overlap area is triangular shaped and encompasses the following.

From the beginning point lying at the midpoint of the south line of Section 21, Township 9 North (T. 9 N.), range 8 West (R. 8 W.), very near Bell Mountain, on the "Healdsburg quadrangle" map, the boundary line runs—

(1) Westerly along the south line of Sections 21 and 20, T. 9 N., R. 8 W. to the southwest corner of Section 20;

(2) Then westerly in a straight line along the same course as the south line of Section 20 to the point of intersection with Chalk Hill Road;

(3) Then southerly along Chalk Hill Road for 550 feet;

(4) Then east-northeasterly in a straight line along the same course as the line described at § 9.53a(c)(29) and § 9.53b(c)(29) to the point beginning.

Group "B" Proposal

This group proposed boundaries for their viticultural area that would encompass the northern one-third of the valley arm and the area proposed by Group "A", i.e. the entire valley arm. Except for the boundaries encompassing the northern one-third of the valley arm, the boundaries proposed by Group "B" are identical to those proposed by Group "A". The additional area encompassed within the boundaries proposed by Group "B" consists of approximately 31,000 acres or 49 square miles. Approximately one-fourth of this area, i.e. 7,800 acres or 12.25 square miles, is in the valley arm proper. The remaining area represents uplands on the eastern, western, and northern boundaries of the additional area. The majority of these uplands are situated on the eastern and western boundaries. There are eight wineries and approximately 30 vineyard operations in the additional area. There are approximately 1,600 acres of grapes planted in the additional area. The boundaries of the viticultural area proposed by Group "B" may be found on the five U.S.G.S. quadrangle maps specified for the proposed viticultural area of Group "A" and on two additional U.S.G.S. quadrangle maps, 7.5 minute series (Topographic), scale 1:24,000—Asti and Cloverdale. The specific viticultural area boundaries proposed by the petitioner are detailed in the proposed regulations at § 9.53b(c).

Viticultural/Geographical Features

Each petitioner submitted evidence that their proposed viticultural area is distinguishable from the surrounding area on the basis of climate, soil, geology, elevation, and other physiographical features. Since one proposed viticultural area includes the

other, i.e. the area proposed by Group "B" includes the area proposed by Group "A", the evidence, in some cases, is similar or identical. Where the evidence is generally applicable to the valley arm and both proposed viticultural areas, it is presented initially. Then evidence applicable to and supportive of a particular viticultural area is presented. The petitioners base their claim of being distinguishable from the surrounding area on the following.

(a) *Climate.* The valley arm has an annual rainfall of 25–50 inches, temperature of 58–60 degrees F., and a frostfree season of 240–270 days. The areas surrounding the valley arm, i.e. the main Russian River Valley to the south and the surrounding uplands, respectively, have an annual rainfall of 25–45 inches, temperature of 54–60 degrees F., a frostfree season of 240–260 days; and an annual rainfall of 30–70 inches, temperature of 54–58 degrees F., a frostfree season of 230–270 days.

Temperature comparison data, prepared by the Cooperative Extension, University of California, Sonoma County, indicates the valley arm is warmer than the area to the south and cooler than the area to the north. In addition, under the climatic region concept developed by Amerine and Winkler, the valley arm is classified as Region 3 and the area to the south is classified as Region 2. Furthermore, temperatures in the southern portion of the valley arm are generally cooler than temperatures in the northern portion of the valley arm as a result of the effect of fog. Fog flows into the southern portion of the valley arm from the Santa Rosa plain at a point near the town of Lytton through a gap in the low range of hills separating the valley arm from the main Russian River Valley. The fog gradually dissipates in intensity as one goes up the valley arm toward the town of Cloverdale.

In addition to the general climatic conditions discussed above which characterize the valley arm and distinguish it from the surrounding area, Group "A" contends their proposed viticultural area possesses a unique set of growing conditions which distinguish it from the upper portion of the valley arm. Group "A" claims the lower temperatures and fog associated with their proposed viticultural area have a marked influence on the amount and distribution of heat and moisture received which, in turn, directly affects the development and balance of sugar, acid, and other constituents of grapes grown in their proposed viticultural area.

(b) *Geologic Features.* The general geomorphology of the area corresponds to distinguishable geologic features which define a valley, i.e. a topographic depression or basin. The boundaries of the valley arm are delineated by contact between the geologically younger alluvial material of the valley arm floor with older indurated rock of the surrounding uplands. Except for a gap in the surrounding uplands in the vicinity of the town of Lytton and a bedrock canyon at the northern end of the valley arm where the Russian River enters, the geologic boundaries of the valley arm are generally continuous.

Group "A" has proposed a northern boundary for their viticultural area near the point where the valley arm narrows. This is the point that some authorities, on the basis of geologic and hydrologic considerations, have used to divide the valley arm into separate valleys known as "Cloverdale Valley" (northern portion) and "Alexander Valley" (southern portion). These authorities state the point where the valley arm narrows is actually a bedrock gorge which divides the valley arm into two separate valleys and that the alluvial material in the area consists of stream channel deposits of the Russian River. Notwithstanding there is some subsurface hydrologic connection through the stream channel deposits in the gorge between the two valleys, these authorities also claim each valley is served by a distinct ground water basin.

Group "B" contends the separation of the valley arm into two valleys is artificial. They presented evidence consisting of more recent studies conducted by other researchers which state there is a continuous deposit of alluvial material throughout the valley arm, and that, in fact, no bedrock gorge exists. These researchers claim the alluvial material in the narrow portion of the valley arm is part of this deposit and not stream channel deposits, since it has basically the same characteristics as alluvial material found elsewhere in the valley arm. These researchers conclude the continuous presence of uniform alluvial material throughout the valley arm indicates a single valley. In addition, these researchers claim there is one groundwater basin for the valley arm. However, they do recognize two subbasins, the "Alexander Area" and the "Cloverdale Area", which underlie, respectively, the southern and northern portions of the valley arm.

(c) *Watershed.* The valley arm is part of the Russian River drainage basin. Specific portions of the valley arm are served by smaller drainage basins which drain those particular areas.

Adjacent valleys are served by drainage basins which do not serve the valley arm, although they do eventually empty into the Russian River drainage basin.

Group "A" contends the smaller drainage basins serving the valley arm should be viewed as forming several watersheds. Therefore, the boundaries of these watersheds are useful in distinguishing the delineating specific portions of the valley arm, such as their proposed viticultural area, from the surrounding area.

Group "B" contends the smaller drainage basins serving the valley arm should be viewed as forming one watershed encompassing the entire valley arm. Therefore, the boundaries of these smaller drainage basins should not be used to distinguish or delineate one portion of the valley arm from another. However, the petitioner contends that this large watershed may be used to distinguish the valley arm from the surrounding area.

(d) *Soils.* The soils found in the valley arm are distinct from the soils found on the surrounding uplands. This is due to the different parent material, i.e. alluvial on the valley arm floor and indurated rock on the uplands, from which the soils were formed. The contrast in parent materials allows an easy distinction between the valley arm floor area and the upland area based on soils. The soils in the valley arm floor area are primarily of the Yolo-Cortina-Pleasanton association. This soil association is found throughout the valley arm. The soils on the upland areas are primarily of the Spreckels-Felta association southwest of the valley arm, Los Gatos-Henneke-Maymen association northwest of the valley arm, and Gouling-Toomes-Guenoc association east of the valley arm.

Group "B" contends the uniformity and continuity of soils throughout the valley arm precludes the use of soil as a basis for division of the valley arm into separate areas. In addition, Group "B" contends the presence of the Yolo-Cortina-Pleasanton type of soil association, which typically forms on flat, alluvial basins, in the narrow portion of the valley arm near the town of Asti, indicates a single valley and not two separate valleys divided by a bedrock gorge, since, in order for this to have occurred, the same type of alluvial parent material must have been uniformly distributed throughout the valley arm and deposited in a geological basin.

Evidence Relating To Name And Boundaries

Each petitioner submitted historical or current evidence that the viticultural

area proposed in their petition is locally and/or nationally known by the name "Alexander Valley" and the boundaries of the viticultural area are as specified in their petition.

Each petitioner compiled and submitted a brief history of the "Alexander Valley" area. The petitioners state the name "Alexander Valley" originated from the name of Cyrus Alexander who in the 1840's acquired and settled land in the southern portion of the valley arm. This land was a portion of the Sotoyome(i) grant given to Henry D. Fitch in 1841 by the government of Mexico. The name was originally applied by local residents to only the holdings of Cyrus Alexander. However, over a period of years, the name has been applied at various times to different portions of the valley arm and to the entire valley arm by local residents and other individuals. The grape and wine industry originally developed more rapidly in the northern portion of the valley arm. However, the petitioners agree the majority of the grape and wine industry currently is located in the southern portion of the valley arm. Although, a major winery, Italian Swiss Colony operated by United Vintners Inc., and several hundred acres of grapes are located in the northern portion of the valley arm. The name "Alexander Valley" began to gain recognition as a viticultural area in the early 1970's when grape-growers and wineries in the southern portion of the valley arm started to identify themselves on wine labels, promotional material, and in articles, as being located in the "Alexander Valley."

Group "A" submitted evidence consisting of the following to support their claims:

(a) Excerpts from various 19th century and contemporary, local and national publications which refer to the "Alexander Valley" as a grape-growing and wine-producing area;

(b) Clippings of various wine-oriented articles from regional and national publications which refer to wines produced from grapes grown in the "Alexander Valley";

(c) Excerpts from articles by 19th century and contemporary authors which generally describe the boundaries of the "Alexander Valley" as they are proposed by the petitioner;

(d) Statements concerning the use of labels on wine, which refer to "Alexander Valley" as being the source of grapes from which the wine is made, by wineries located in their proposed viticultural area; and

(e) Statements concerning consumer recognition of the name "Alexander

Valley" as applying to their proposed viticultural area.

Group "B" submitted evidence consisting of the following to support their claims:

(a) A study which on the basis of geological evidence concludes the valley arm is one continuous valley;

(b) References to studies which on the basis of groundwater basin and soil distribution considerations conclude the valley arm is one continuous valley;

(c) References to 19th century documents of political entities which refer to the entire valley arm by one name; and

(d) United States Geological Survey maps and United States Forest and Soil Conservation Service maps which designate the entire valley arm as "Alexander Valley."

Discussion

ATF feels the evidence submitted by the petitioners indicates establishment of "Alexander Valley" as a viticultural area may be warranted. Accordingly, the establishment of this grape-growing region as a viticultural area is proposed in this document.

In addition, on the basis of evidence we currently have at our disposal, we believe the boundaries proposed for the viticultural area by the petitioners have equal merit. Therefore, nothing in this document should be construed as an endorsement of the boundaries proposed by either petitioner.

ATF believes the significance of viticultural areas as delimited grape-growing regions distinguishable by geographical features may be eroded by the indiscriminate establishment of viticultural areas which partially or entirely overlap other proposed or approved viticultural areas. Consequently, we are concerned the petitioners have proposed boundaries for the "Alexander Valley" viticultural area which overlap the boundaries of the proposed "Chalk Hill" viticultural area.

However, we recognize the establishment of viticultural areas which overlap other proposed or approved viticultural areas may, in some cases, be warranted. Accordingly, we will consider petitions that propose establishment of viticultural areas which overlap other proposed or approved viticultural areas on a case-by-case basis. Therefore, each such petition, in addition to otherwise fulfilling the requirements of regulations relating to establishment of a viticultural area, must contain evidence to substantiate inclusion of the overlap area in the proposed viticultural area.

The evidence should show that the overlapping area and the rest of the proposed viticultural area are—

- (1) Known locally and/or nationally by the same name;
- (2) Historically or currently considered part of each other; and
- (3) Viticulturally similar on the basis of geographical features (climate, soil, elevation, physical features, * * * etc.).

However, in this particular case, neither evidence nor reference to an area of overlap was discussed in the petitions. Accordingly, we are not entirely convinced the boundaries proposed by either petitioner are the most appropriate for the viticultural area.

Public Participation

All interested persons are invited to participate in this proposed rulemaking by submitting such written data, views, or recommendations as they may desire. Comments should be specific, pertain to the issue proposed in this rulemaking, and set forth the factual basis supporting the data, views, or recommendations of the commenter. Comments received before the closing date will be carefully considered prior to a final decision by ATF on this proposal. Comments received after the closing date and too late for consideration will be treated as suggestions for future ATF action.

Comments are specifically invited on the boundaries proposed by the petitioners for the viticultural area. We are particularly interested in receiving comments on the overlap between the proposed "Alexander Valley" and "Chalk Hill" viticultural areas which provide historical or current evidence on whether the proposed boundaries should be modified. Comments concerning other possible boundaries for the viticultural area should include data on the geographical and viticultural characteristics the commenter believes distinguishes the area encompassed from the surrounding area.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure. All materials and comments received will be available for public inspection during normal business hours.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit a request, in writing, to the Director, within the

comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in the light of all circumstances, whether a public hearing should be held.

ATF reserves the option to determine, on the basis of written comments, our own research, and in the light of any other circumstances, whether this viticultural area should be established and which boundaries are appropriate. In addition, ATF may modify, through the rulemaking process, any viticultural area which may result from this proposed rulemaking when in the judgment of the Director such action is determined to be warranted.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not expected to apply to this proposed rule because the proposal, if promulgated as a final rule, is not expected to have a significant economic impact on a substantial number of small entities. Since the benefits to be derived from using a new viticultural area appellation of origin are intangible, ATF cannot conclusively determine what the economic impact will be on the affected small entities in the area. However, from the information we currently have available on the proposed Alexander Valley viticultural area, ATF does not feel that the use of this appellation of origin will have a significant economic impact on a substantial number of small entities.

Executive Order 12291

In compliance with Executive Order 12291, ATF has determined that this proposal is not a major rule since it will not result in:

- (a) An annual effect on the economy of \$100 million or more;
- (b) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- (c) Significant adverse effects on competition, employment, investment, productivity, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Drafting Information

The principal author of this document is Jim Whitley, Specialist, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms. However, personnel of other offices of the Bureau and of the Treasury Department have participated in the preparation of this

document, both in matters of substance and style.

List of Subjects in 27 CFR Part 9

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

Authority

Accordingly, under the authority in 27 U.S.C. 205, the Director proposes the amendment of 27 CFR Part 9 as follows:

PART 9—AMERICAN VITICULTURAL AREA

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of §9.53. As amended, the table of sections reads as follows:

Sec.	
* * *	
§ 9.53	Alexander Valley.
* * *	

Para. 2. Subpart C is amended by adding §9.53 Alexander Valley. (Note: The two proposals for the boundaries of the "Alexander Valley" viticultural area are set out in this document as §9.53a and §9.53b. However, any final rule which may result from this proposed rulemaking will detail only the boundaries of the established viticultural area.) As amended, Subpart C reads as follows:

§ 9.53a. Alexander Valley (as proposed by Group "A").

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Alexander Valley viticultural area are five U.S.G.S. maps. They are—

- (1) "Mark West Springs Quadrangle, California", 7.5 minutes series, 1958;
- (2) "Mount St. Helena Quadrangle, California", 7.5 minute series, 1959 (Photoinspected 1973);
- (3) "Jimtown Quadrangle, California—Sonoma County", 7.5 minute series, 1955 (Photorevised 1975);
- (4) "Geyserville Quadrangle, California—Sonoma County", 7.5 minute series, 1955 (Photorevised 1975); and
- (5) "Healdsburg Quadrangle, California—Sonoma County", 7.5 minute series, 1955.

(c) *Boundaries.* The Alexander Valley viticultural area is located in northeastern Sonoma County, California. From the beginning point lying at the midpoint on the south line of Section 21, Township 9 North (T. 9 N.) and Range 8 West (R. 8 W.), very near Bell Mountain, on the "Mark West

Springs Quadrangle" map, the boundary runs—

(1) Easterly along the south line of Section 21 to the southeast corner thereof;

(2) Then northerly along the east line of Sections 21, 16, and 9, T. 9 N., R. 8 W. to the northeast corner of Section 9;

(3) Then westerly along the north line of Section 9 to the northwest corner thereof;

(4) Then northwesterly in a straight line to the northeast corner of Section 36, T. 10 N., R. 9 W.;

(5) Then northerly along the east line of Sections 25, 24, and 13, T. 10 N., R. 9 W. to the northeast corner of Section 13;

(6) Then west-northwesterly in a straight line to the point lying at 38 degrees 45 minutes/122 degrees 52 minutes 30 seconds;

(7) Then westerly along latitude line 38 degrees 45 minutes to the point of intersection with the east line of Section 4, T. 10 N., R. 10 W.;

(8) Then southeasterly in a straight line to the southwest corner of Section 3, T. 10 N., R. 8 W.;

(9) Then southerly along the west line of Section 10, T. 10 N., R. 10 W. to the southwest corner thereof;

(10) Then S. 74 degrees, E. 2,800 feet in a straight line to the northeasterly tip of a small lake;

(11) Then N. 57 degrees, E. 2,300 feet in a straight line to the southeast corner of Section 10, T. 10 N., R. 10 W.;

(12) Then S. 16 degrees, E. 1,800 feet in a straight line to the point on a peak identified as having an elevation of 664 feet;

(13) Then S. 55 degrees, E. 7,900 feet in a straight line to the most northerly point on the northeasterly line of "Olive Hill" cemetery lying on the easterly side of Canyon Road;

(14) Then southeasterly along the northeasterly line of "Olive Hill" cemetery to the most easterly point thereon;

(15) Then S. 2 degrees, E. 3,100 feet in a straight line to the point in the westerly fork of Wood Creek lying at the westerly terminus of a dirt road;

(16) Then southerly 3,000 feet along the west fork of Wood Creek to the point lying 400 feet north of the point on a peak on the peak identified as having an elevation of 781 feet;

(17) Then southerly 400 feet in a straight line to a point on the peak identified as having an elevation of 781 feet;

(18) Then S. 50½ degrees, E. 15,500 feet in a straight line to the point lying at the intersection of Lytton Creek with the township line common the T. 9 N. and T. 10 N. in R. 9 W.;

(19) Then southerly along Lytton Creek to Lytton Springs Road in T. 9., R. 9 W.;

(20) Then easterly along Lytton Springs Road to the point of intersection with Lytton Road;

(21) Then south-southeasterly along Lytton Road to the point of intersection with Alexander Valley Road;

(22) Then east-northeasterly in a straight line to the point on a peak identified as having an elevation of 447 feet;

(23) Then easterly in a straight line to the point on a peak identified as having an elevation of 530 feet;

(24) Then east-southeasterly in a straight line to the point on a peak identified as having an elevation of 516 feet;

(25) Then southeasterly in a straight line to the point on a peak identified as having an elevation of 596 feet;

(26) Then southeasterly in a straight line to the point lying at the intersection of the range line common to R. 9 W. and R. 8 W. in T. 9 N. with latitude line 38 degrees 37 minutes 30 seconds;

(27) Then south-southeasterly in a straight line to the confluence of Brooks Creek with the Russian River in T. 9 N., R. 8 W.;

(28) Then east-southeasterly in a straight line to the top of Chalk Hill; and

(29) Then east-northeasterly in a straight line to the point of beginning.

9.53b Alexander Valley (as proposed by Group "B")

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

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Alexander Valley viticultural area are seven U.S.G.S. maps. They are—

(1) "Mark West Springs Quadrangle, California", 7.5 minute series, 1958;

(2) "Mount St. Helena Quadrangle, California", 7.5 minute series, 1959 (Photinspected 1973);

(3) "Jimtown Quadrangle, California—Sonoma County", 7.5 minute series, 1955 (Photorevised 1975);

(4) "Geyserville Quadrangle, California—Sonoma County", 7.5 minute series, 1955 (Photorevised 1975);

(5) "Healdsburg Quadrangle, California—Sonoma County", 7.5 minute series, 1955;

(6) "Asti Quadrangle, California", 7.5 minute series, 1959 (Photorevised 1978); and

(7) "Cloverdale Quadrangle, California", 7.5 minute series, 1960.

(c) *Boundaries.* The Alexander Valley viticultural area is located in northeastern Sonoma County, California. From the beginning point

lying at 38 degrees 45 minutes 122 degrees 52 minutes 30 seconds in Township 10 North (T. 10 N.) and Range 9 West (R. 9 W.), on the "Asti Quadrangle" map, the boundary runs—

(1) Northwesterly in a straight line to the southeast corner of Section 4, T. 11 N., R. 10 W.;

(2) Then northerly along the east line of Section 4, T. 11 N., R. 10 W., continuing along the east line of Section 33, T. 12 N., R. 10 W. to the Sonoma-Mendocino county line;

(3) Then westerly along the Sonoma-Mendocino county line to the northwest corner of Section 34, T. 12 N., R. 11 W.;

(4) Then southerly along the west line of Section 34 to the southwest corner thereof;

(5) Then southeasterly in a straight line to the southeast corner of Section 3, T. 11 N., R. 11 W.;

(6) Then southerly along the west line of Sections 11, 14, 23, 26, and 35, T. 11 N., R. 11 W., continuing along the same course into Section 3, T. 10 N., R. 11 W. to the point of intersection with latitude line 38 degrees 45 minutes;

(7) Then easterly along latitude line 38 degrees 45 minutes to the point of intersection with the east line of Section 4, T. 10 N., R. 10 W.;

(8) Then southeasterly in a straight line to the southwest corner of Section 3, T. 10 N., R. 10 W.;

(9) Then southerly along the west line of Section 10, T. 10 N., R. 10 W. to the southwest corner thereof;

(10) Then S. 74 degrees, E. 2,800 feet in a straight line to the northeasterly tip of a small lake;

(11) Then N. 57 degrees, E. 2,300 feet in a straight line to the southeast corner of Section 10, T. 10 N., R. 10 W.;

(12) Then S. 16 degrees, E. 1,800 feet in a straight line to the point on a peak identified as having an elevation of 664 feet;

(13) Then S. 55 degrees, E. 7,900 feet in a straight line to the most northerly point on the northeasterly line of "Olive Hill" cemetery lying on the easterly side of Canyon Road;

(14) Then southeasterly along the northeasterly line of "Olive Hill" cemetery to the most easterly point thereon;

(15) Then S. 2 degrees, E. 3,100 feet in a straight line to the point in the westerly fork of Wood Creek lying at the westerly terminus of a dirt road;

(16) Then southerly 3,000 feet along the west fork of Wood Creek to the point lying 400 feet north of the point on a peak identified as having an elevation of 781 feet;

(17) Then southerly 400 feet in a straight line to the point on a peak

identified as having an elevation of 781 feet;

(18) Then S. 50 ½ degrees, E. 15,500 feet in a straight line to the point lying at the intersection of Lytton Creek with the township line common to T. 9 N. and T. 10 N. in R. 9 W.;

(19) Then southerly along Lytton Creek to Lytton Springs Road in T. 9 N., R. 9 W.;

(20) Then easterly along Lytton Springs Road to the point of intersection with Lytton Road;

(21) Then south-southeasterly along Lytton Road to the point of intersection with Alexander Valley Road;

(22) Then east-northeasterly in a straight line to the point on a peak identified as having an elevation of 447 feet;

(23) Then easterly in a straight line to the point on a peak identified as having an elevation of 530 feet;

(24) Then east-southeasterly in a straight line to the point on a peak identified as having an elevation of 516 feet;

(25) Then southeasterly in a straight line to the point on a peak identified as having an elevation of 596 feet;

(26) Then southeasterly in a straight line to the point lying at the intersection of the range line common to R. 9 W. and R. 8 W. in T. 9 N. with latitude line 38 degrees 37 minutes 30 seconds;

(27) Then south-southeasterly in a straight line to the confluence of Brooks Creek with the Russian River in T. 9 N., R. 8 W.;

(28) Then east-southeasterly in a straight line to the top of Chalk Hill;

(29) Then east-northeasterly in a straight line to the midpoint on the south line of Section 21, T. 9 N., R. 8 W., very near Bell Mountain;

(30) Then easterly along the south line of Section 21 to the southeast corner thereof;

(31) Then northerly along the east line of Sections 21, 16, and 9, T. 9 N., R. 8 W. to the northeast corner of Section 9;

(32) Then westerly along the north line of Section 9 to the northwest corner thereof;

(33) Then northwesterly in a straight line to the northeast corner of Section 36, T. 10 N., R. 9 W.;

(34) Then northerly along the east line of Sections 25, 24, and 13, T. 10 N., R. 9 W. to the northeast corner of Section 13; and

(35) Then west-northwesterly in a

straight line to the point of beginning.

Signed: June 28, 1982.

Stephen E. Higgins,
Acting Director.

Approved: July 30, 1982.

J. M. Walker, Jr.,
Assistant Secretary, Enforcement and Operations.

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 931

Public Comment on Modified Portions of the New Mexico Permanent Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Extension of public comment period.

SUMMARY: The Office of Surface Mining (OSM) is extending the period for review and comment on the substantive adequacy of program amendments submitted to satisfy conditions imposed by the Secretary of the Interior on the approval of the New Mexico Permanent Regulatory Program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Specifically, OSM is extending the comment period to allow the public sufficient time to consider and comment on additional material submitted by New Mexico to satisfy conditions of approval.

DATES: Written comments must be received on or before 4:00 p.m., September 13, 1982, to be considered.

ADDRESSES: Comments should be mailed or hand-delivered to: Mr. Robert Hagen, Field Office Director, Office of Surface Mining, 219 Central Ave., NW., Albuquerque, New Mexico 87102, telephone: (505) 766-1486.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Hagen, Field Office Director, Office of Surface Mining, 219 Central Ave., NW., Albuquerque, New Mexico 87102; telephone: (505) 766-1486.

SUPPLEMENTARY INFORMATION:

On July 9, 1982, New Mexico submitted to OSM regulatory revisions adopted by the New Mexico Coal Surface Mining Commission which are intended to satisfy conditions "b", "c", "f", "g", "i", and "l". On July 29, 1982, OSM published notice of the comment period and hearing on the amendments submitted by New Mexico (47 CFR

32738). A description of the provisions submitted by the State and of the conditions they are intended to satisfy is provided in the July 29, 1982, notice.

On July 29, 1982, New Mexico submitted copies of the July 9, 1982, amendments previously submitted to OSM as they were finally adopted. In addition, the State submitted a copy of procedures used by the Mining and Minerals Division in conducting a hearing regarding an unsuitability petition. These procedures were submitted in relation to condition "b".

OSM is extending the comment period which opened July 29, 1982 and which was scheduled to close September 3, 1982, until September 13, 1982, to allow the public time to review and comment on the additional materials submitted by New Mexico on July 29, 1982.

OSM is seeking comment on whether the provisions submitted by New Mexico on July 9, 1982 and July 29, 1982, satisfy conditions listed at 30 CFR 931.11(b), (c), (f), (g), (i) and (l). The materials submitted by the State are contained in the New Mexico administrative record under numbers NM 208 and NM 212 and are available for public review at the addresses listed above under "ADDRESSES".

Additional Determinations

1. *Compliance with the National Environmental Policy Act.* The Secretary has determined that, pursuant to Section 702(d) of SMCRA, 30 U.S.C. 1292(d), no environmental impact statement need be prepared on this rulemaking.

2. *Compliance with the Regulatory Flexibility Act.* The Secretary hereby determines that this proposed rule will not have a significant economic impact on small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*

3. *Compliance with Executive Order No. 12291.* With respect to regulations concerning satisfaction of conditions of approval of State regulatory programs under SMCRA, OSM has been granted a categorical exemption from the requirement to prepare a Regulatory Impact Analysis pursuant to Executive Order No. 12291, by a letter from the Office of Management and Budget dated August 28, 1981.

List of Subjects in 30 CFR Part 931

Coal mining, Intergovernmental relations, Surface mining, Underground mining.