

legal or other representation relating to claims for such funds.

(5) Not more than two percent (2%) of the funds which may be transferred to a trust account for any tribe, or to an IIM account for an individual, may be utilized by the BIA to reimburse the BIA for administrative expenses incurred in determining ownership of the funds.

(e) *Appeals.* (1) Any potential beneficiary or claimant may appeal any decision made or action taken by a Superintendent under this section. Such appeal shall be made in writing and submitted as provided in 25 CFR Part 2.

(2) As provided in Part 2, the appeal must be received within 30 days after receipt of the written notice advising the potential beneficiary of his/her share of the IMPL Escrow account or advising the claimant that no share has been determined for him/her. No appeals will be accepted under this section after September 30, 1985.

(f) *Distribution of residual funds.* (1) After final administrative determination of ownership, including final determination of all appeals, and the completion of all appropriate fund transfers, but not later than October 1, 1985, any funds remaining in an agency IMPL escrow account may be expended subject to the approval of the Secretary for any purpose authorized under the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13) and requested by the governing body(s) of the tribe(s) at the location(s) where such agency IMPL escrow account is maintained. This authority to expend the escrow account funds ends September 30, 1987.

(2) The unobligated balances of all IMPL escrow accounts as of the close of business on September 30, 1987, shall be deposited into miscellaneous receipts of the U.S. Treasury.

John W. Fritz,  
Acting Assistant Secretary—Indian Affairs.

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## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[T.D. ATF-155; Ref: Notice No. 411]

#### Chalk Hill Viticultural Area

**AGENCY:** Bureau of Alcohol, Tobacco and Firearms, Treasury (ATF).

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

**SUMMARY:** This final rule establishes a viticultural area in Sonoma County, California, approximately eight miles

north of Santa Rosa, to be known as "Chalk Hill." This final rule results from a petition originally submitted by seven wine/grape industry members in the area for the name "Sonoma Chalk Hill." ATF believes that the establishment of this viticultural area and the subsequent use of the name "Chalk Hill" as an appellation of origin in wine labeling and advertising will allow wineries to designate more precisely the area in which the grapes used in the production of wines were grown and will enable consumers to identify more clearly wines offered at retail.

**EFFECTIVE DATE:** November 21, 1983.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Breen, Specialist, FAA, Wine and Beer 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 Part 4 of Title 27, Code of Federal Regulations. These regulations provide recognition of definite viticultural areas within the United States and 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 6692) which amended Title 27, Code of Federal Regulations, by adding a new Part 9 entitled "American Viticultural Areas." This part lists all approved American viticultural areas which may be used as appellations of origin on wine labels and in wine advertisements.

Section 4.25a(e)(1) of Title 27, Code of Federal Regulations, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. In accordance with the procedure prescribed in 27 CFR 4.25a(e)(2) for proposing a viticultural area, a petitioner must submit:

- Evidence that the name of the viticultural area is locally and/or nationally known as referring to the area specified in the application;
- Historical or current evidence that the boundaries of the viticultural area are as specified in the application,
- 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) The specific boundaries of the viticultural area, based on features which can be found on U.S.G.S. maps of the largest applicable scale; and,

(e) Copies of the appropriate maps with the boundaries prominently marked.

After evaluation of the petition, ATF published in the *Federal Register* of May 12, 1982, a notice of proposed rulemaking (Notice No. 411, 47 FR 20321) concerning the establishment of this viticultural area and solicited written comments from the public.

#### Comments

ATF received four written comments in response to the notice of proposed rulemaking. One comment was generally supportive of designating "Chalk Hill" as a viticultural area. Three comments favored extension of the boundary of the proposed viticultural area. One of these three comments, a comment bearing the signatures of eight local wine/grape industry members, six of whom had been signatories to the original petition, was submitted as an "amended petition" to include the premises of two bonded wineries as well as additional acreage devoted to grape growing.

Sonoma-Cutrer Vineyards submitted the fourth comment which was a request for extension of the southwestern portion of the boundary to include 300 acres of vineyards. In conjunction with this request, ATF received a letter of agreement signed by seven of the eight signatories to the "amended petition."

The commenters were supportive of ATF's proposal to delete the county name "Sonoma" from the originally proposed appellation "Sonoma Chalk Hill." The comment submitted by six of the seven original petitioners stated that the primary purpose for including the name of the county in the viticultural area was to inform consumers that the Chalk Hill area is in Sonoma County. However, the commenters agreed with ATF that this information can be conveyed by placing "Sonoma County" elsewhere on the label.

#### Name

The area within the boundary of the proposed viticultural area is known locally as "Chalk Hill" and takes its name from the hill of the same name located within the proposed area. Cultivation of grapes in Sonoma County began in 1824. By 1855, grapes were being cultivated at Windsor, the principal town closest to the proposed area. By the mid-1890's there were a half dozen wineries located in the Windsor

area and 43 vineyards. Since 1978, the name "Chalk Hill" has appeared on the labels of wines produced by a winery in the Windsor area.

#### Boundary

ATF noted in the notice of proposed rulemaking that the originally proposed boundary line, depicted in § 9.52(c)(9) and (10) in the notice, overlapped into the proposed Alexander Valley viticultural area. In addition, the proposed Russian River Valley viticultural area encompasses all of the proposed Chalk Hill area except for that area which overlaps into the Alexander Valley viticultural area. In the notice of proposed rulemaking, ATF had requested specific comment. In light of the fact that no commenter addressed his question, ATF concludes that the overlapping of boundaries does not present an issue. In consideration of the comments received from wine/grape industry members, ATF has amended in his final rule the boundary proposed in the notice of proposed rulemaking to include the additional wineries and grape growing acreage.

The viticultural area comprises approximately 33 square miles and is located in Sonoma County eight miles north of Santa Rosa. There are approximately 1,600 acres of producing vineyards and four bonded wineries within the boundary of the area.

The boundary of the proposed Chalk Hill viticultural area may be found on two U.S.G.S. 7.5 minute series (topographic) maps, the Mark West Springs Quadrangle and the Healdsburg Quadrangle.

The boundary, as approved by ATF, is described in new section 9.52.

#### Geographical Evidence

In accordance with 27 CFR 4.25a(e)(2)(iii), a viticultural area should possess geographical features which distinguish its viticultural features from the surrounding areas. ATF has determined that the proposed area is distinguished from the surrounding areas on the bases of climate, soil type, and other geographical features.

The proposed area is distinguished by a micro-climate with a marine influence. Based on the University of California's heat summation scale, temperatures range from Region I, less than 2,500 degree days, to Region II, 2,501 to 3,000 degree days. Most of the area's vineyards lie within a zone comprised of thermal belts which provide protection from damaging spring frosts.

The climate of the proposed area is influenced by the location of Mount St. Helena in relation to the mouth of the Russian River and San Pablo Bay. The

atmospheric conditions created by the relationship of these physical features results in a "September" vineyard area. This means that the harvests are usually completed by the end of September even for late-ripening grape varieties which are not normally harvested until October in surrounding areas. The proposed area is warmer than the greater Russian River Valley and cooler than Alexander Valley and Dry Creek Valley.

The average annual rainfall in the proposed area is approximately 36 inches, almost all of which occurs between November 1 and March 31.

The proposed Chalk Hill area is different from the surrounding areas of Alexander Valley, Dry Creek Valley and the Russian River Valley. The vineyards of the Chalk Hill area are planted on lands which are gently rolling to steep and can be described as bench-lands, table-lands and hills. Many vineyards planted on the steeper slopes are contoured and terraced.

The proposed area is distinguished by "white" soil, i.e., volcanic ash. The soils range from sandy to silt loam, clay and quartzite and are high in volcanic ash deposited as a result of the volcanic activity of Mount St. Helena. The vineyards in the area are planted in soils which are deep but lower in fertility than the soils in surrounding areas. This "white" soil contributes to the high quality of the fruit produced by those vineyards.

The elevation of over 90% of the land in the proposed area ranges from 200 feet to about 1,330 feet compared with elevations on the floor of the Russian River Valley of only 100 feet. The predominant vineyard plantings in the area, however, are at elevations ranging from 200 feet to 800 feet.

#### Miscellaneous

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

#### Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to an initial and final regulatory flexibility analysis (5 U.S.C. 603, 604) are not applicable to this

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

Accordingly, it is hereby certified under the provisions of Section 3 of the Regulatory Flexibility Act (5 U.S.C. 605(b)) that this final rule will not have a significant economic impact on a substantial number of small entities.

#### Compliance With Executive Order 12291

The Bureau has determined that this final rule is not a "major rule" within the meaning of Executive Order 12291, 46 FR 13193 (1981), because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and it will not have 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.

#### Paperwork Reduction Act

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

#### Drafting Information

The principal author of this document is Michael J. Breen, Specialist, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

#### 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 (49 Stat. 981, as amended), the Director is amending Title 27, Code of Federal Regulations, Part 9, as follows:

#### PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in Subpart C is amended by adding the heading of § 9.52 as follows:

**Subpart C—Approved American Viticultural Areas**

Sec.

\* \* \* \* \*  
9.52 Chalk Hill

Par. 2. Subpart C is amended by adding § 9.52 to read as follows:

**Subpart C—Approved American Viticultural Areas****§ 9.52 Chalk Hill.**

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

(b) *Approved maps.* The appropriate maps for determining the boundary of the Chalk Hill viticultural area are the U.S.G.S. topographic maps titled:

"Mark West Springs Quadrangle, California", 7.5 minute series, 1958; and, "Healdsburg Quadrangle, California", 7.5 minute series, 1955 (Photorevised 1980).

(c) *Boundary.* The Chalk Hill viticultural area is located near the town of Windsor in Sonoma County, California. From the beginning point on the south line of Section 2, Township 8 North (T. 8 N.), Range 9 West (R. 9 W.) at the intersection of Arata Lane and Redwood Highway (a.k.a. Old Highway 101), on the "Healdsburg Quadrangle" map, the boundary proceeds—

(1) Southeasterly along Redwood Highway through Section 11, T. 8 N., R. 9 W., to the point of intersection with Windsor River Road;

(2) Then westerly along Windsor River Road on the south boundary of Section 11, T. 8 N., R. 9 W., to the point of intersection with Starr Road;

(3) The southerly along Starr Road to the point of intersection with the south line of Section 14, T. 8 N., R. 9 W.;

(4) Then easterly along the south line of Sections 14 and 13, T. 8 N., R. 9 W. and Section 18, T. 8 N., R. 8 W., to the point of intersection with the Redwood Highway;

(5) Then southeasterly along the Redwood Highway to the intersection with an unnamed road that intersects the Redwood Highway at a right angle from the northeast near the southwest corner of Section 28 near Mark West Creek, T. 8 N., R. 8 W.;

(6) Then northeast approximately 500 feet along the unnamed road to its intersection with the Pacific Gas and Electric power transmission line;

(7) Then northeast approximately 1,000 feet along the power transmission line (paralleling the unnamed road) to the point where the power transmission line turns in a northerly direction;

(8) Then in a northerly direction along the power transmission line to the point

of its intersection with the south line of Section 17, T. 8 N., R. 8 W.;

(9) Then east along the south line of Sections 17, 16 and 15, T. 8 N., R. 8 W. to the point of intersection with Mark West Road on the "Mark West Quadrangle Map";

(10) Then northerly for approximately 1.3 miles along Mark West Road (which becomes Porter Creek Road), then northeasterly for approximately 1.7 miles on Porter Creek Road to its intersection with the unnamed medium duty road that parallels Porter Creek in Section 12, T. 8 N., R. 8 W.; then northeasterly on the Franz Valley Road over the Tarwater Grade and continuing along the Franz Valley Road for approximately 3 miles to its intersection with Franz Creek (approximately 2,000 feet west of the range line common to R. 7 W. and R. 8 W. in T. 9 N. and approximately 1,150 feet north of the north line of Section 25, T. 9 N., R. 8 W.);

(11) Then westerly along Franz Creek to its point of intersection with the east line of Section 21, T. 9 N., R. 8 W.;

(12) Then southerly along the east line of section 21 to the southeast corner thereof;

(13) Then westerly along the south line of Section 21 to the point of intersection with longitude line 122 degrees 45 minutes, near Bell Mountain;

(14) Then southwesterly in a straight line on the "Healdsburg Quadrangle" map to the point at the center of a hill identified as "Chalk Hill";

(15) Then west-northwesterly in a straight line to the confluence of Brooks Creek and the Russian River;

(16) Then westerly along the Russian River to the point of intersection with the range line common to R. 8 W. and R. 9 W. in T. 9 N.;

(17) Then southwesterly in a straight line to the point of a hill identified as having an elevation of 737 feet;

(18) Then south-southwesterly in a straight line to the point at the easterly terminus of Reiman Road;

(19) Then southwesterly in a straight line to the point at the intersection of the township line common to T. 8 N. and T. 9 N. in R. 9 W. and the frontage road (a.k.a. Los Amigos Road) for U.S. Highway 101;

(20) Then west approximately 3,000 feet along the township line common to T. 8 N. and T. 9 N. in R. 9 W.;

(21) Then southerly for approximately 2,000 feet in a straight line to the point of intersection with an unnamed stream drainage;

(22) Then east in a straight line to the point of intersection with Eastside Road;

(23) Then northeasterly along Eastside Road to the point of intersection with Redwood Highway;

(24) Then southeasterly along Redwood Highway to the point of beginning.

Signed: September 23, 1983.  
Stephen E. Higgins,  
Director.

Approved: October 13, 1983.  
David Q. Bates,  
Deputy Assistant Secretary (Operations)  
[FR Doc. 83-28768 Filed 10-20-83; 8:45 am]  
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**27 CFR Part 9****[T.D. ATF-159; Re: Notice No. 450]****Russian River Valley Viticultural Area**

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

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

**SUMMARY:** This final rule establishes a viticultural area in Sonoma County, California, to be known as the "Russian River Valley." The Bureau of Alcohol, Tobacco and Firearms (ATF) believes the establishment of "Russian River Valley" as a viticultural area and subsequent use as an appellation of origin on wine labels and in wine advertisement 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 may purchase.

**EFFECTIVE DATE:** November 21, 1983.

**FOR FURTHER INFORMATION CONTACT:** James A. Hunt, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 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 allowing the establishment of definite American viticultural areas. These regulations also allow the name of an approved viticultural area to be used as an appellation of origin in wine labeling and advertising.

Section 9.11, Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical characteristics. 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.