

(c) *Boundaries.* The Russian River Valley viticultural area is located in Sonoma County, California.

(1) *Starting point Healdsburg map*—Healdsburg Avenue Bridge over the Russian River at Healdsburg. Proceed south along Russian River to where Foreman Lane meets the river at mouth of Dry Creek.

(2) Proceed west along Foreman Lane to where it crosses Westside Road and becomes Felta School Road.

(3) Proceed west on Felta School Road to the point where it crosses Felta Creek.

(4) Proceed 18000' up Felta Creek to its headwaters as shown on the *Guerneville, map* as "Springs."

(5) Proceed southwest in a straight line 58 degrees W 27000' to an intersection with Hulbert Creek on the *Cazadero map*.

(6) Proceed south and southeast along Hulbert Creek to the point where it intersects California Hwy 116 on the *Duncan Mills map*.

(7) Proceed west along California Hwy 116 to Monte Rio where it intersects the Bohemian Hwy.

(8) Proceed south along the Bohemian Hwy onto the *Camp Meeker map* and then the *Valley Ford map* to the town of Freestone where it intersects the Bodega Road.

(9) Proceed east along the Bodega Road onto the *Sebastopol map* to the city of Sebastopol where it becomes California Hwy 12 then along California Hwy 12 to its intersection with Wright Road.

(10) Proceed north along Wright Road to where it becomes Fulton Road and into the town Fulton to where in intersects River Road.

(11) Proceed east along River Road to its intersection with Mark West Springs Road.

(12) Proceed north east along Mark West Springs Road through the *Santa Rosa map* and onto the *Mark West map* to where it becomes Porter Creek Road and onto its intersection with Franz Valley Road.

(13) Proceed north along Franz Valley Road to the northerly most crossing of Franz Creek.

(14) Proceed west along Franz Creek until it intersects the line separating Section 21 and Section 22.

(15) Proceed south on this line separating Section 21 and 22 to the corner common to Section 21 and 22 and Section 27 and 28.

(16) Proceed west from the common corner of Section 21 and 22 and 27 and 28 and in a straight line to the peak of Chalk Hill on the *Healdsburg map*.

(17) Proceed west from the peak of Chalk Hill in a straight line to the point

where Brooks Creek joins the Russian River.

(18) Proceed north west in a straight line 8000' to a peak marked 772' elv. on the *Jimtown map*.

(19) Proceed north west in a straight line from hill top 772' elv. to hill top 596' elv.

(20) Proceed north west in a straight line from hill top 596' elv. to hill top 516' elv.

(21) Proceed north west in a straight line from hill top 516' elv. to hill top 530' elv.

(22) Proceed west in a straight line from hill top 530' elv. to hill top 447' elv.

(23) Proceed west in a straight line from hill top 447' elv. to the point where Alexander Valley Road meets Healdsburg Avenue.

(24) Proceed south along Healdsburg Avenue through the city of Healdsburg on the *Healdsburg map* to the point where it crosses the Russian River at 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. 83-28765 Filed 10-20-83; 8:45 am]

BILLING CODE 4810-31-M

## 27 CFR Part 9

[T. D. ATF-158; Ref: Notice No. 454]

### Knights 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 northeastern Sonoma County, California, to be known as "Knights Valley." This final rule is the result of a petition submitted by the Knights Valley Wine-Growers Committee, an organization of grape-wine industry members in the viticultural area. The Bureau of Alcohol, Tobacco and Firearms (ATF) believes that the establishment of this viticultural area and the subsequent use of the name "Knights Valley" as an appellation of origin will allow wineries to designate precisely the area in which the grapes are grown and will enable consumers to identify more clearly and to differentiate between wines offered commercially.

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

**FOR FURTHER INFORMATION CONTACT:** Michael J. Breen, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue,

NW., Washington, D.C. 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 56692) 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:

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

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

(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) 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.

The Knights Valley Wine-Growers Committee, an organization of grape/wine industry members, filed a petition, signed by 16 persons, to establish a viticultural area in northeastern Sonoma County, California, under the name "Knights Valley." In response to the petition, ATF published in the *Federal Register* of February 9, 1983, a notice of proposed rulemaking (Notice No. 454, 48 FR 5961) concerning the establishment

of this viticultural area and solicited written comments from the public.

#### Comments

In response to the notice of proposed rulemaking, Johnson Turnbull Vineyards, a bonded winery in Oakville, California, submitted a comment supporting the establishment of the viticultural area as proposed in the notice.

ATF received no other comment and no information from any source indicating opposition to the establishment of the "Knights Valley" viticultural area as proposed in the notice.

#### Name

The land area encompassed by the boundary of the "Knights Valley" viticultural area consists of a valley known and identified on maps as Knights Valley.

#### Boundary

The viticultural area is located entirely within Sonoma County, California, between the Alexander Valley and the Napa Valley. The northernmost section of the boundary line runs slightly to the north of Pine Mountain; the southernmost section of the boundary line borders the petrified forest area immediately to the north of Porter Creek. The Sonoma County line bordering Lake County and Napa County forms the eastern section of the boundary of the viticultural area. The westernmost section of the boundary line abuts the proposed boundaries for the "Alexander Valley" and "Chalk Hill" viticultural areas. The land area encompassed by the boundary of the "Knights Valley" viticultural area consists of a valley known as Knights Valley and an area known as Franz Valley and the hillsides immediately surrounding and to the north of these areas. According to evidence submitted by the petitioners, the area called Franz Valley is not a valley, the name being a misnomer, since no clear separation exists between this area and the Knights Valley. The central valley area is approximately 5.3 miles long and 1.8 miles wide at the widest point. The areas immediately surrounding and to the north of the valley area form the upland areas. The viticultural area encompasses approximately 36,240 acres or 57 square miles.

There are currently over 1,000 acres devoted to viticulture in the proposed viticultural area. This acreage is situated primarily in the valley area with some acreage in the upland areas being developed into producing vineyards. Presently, there are no wineries

established in the viticultural area although there were at least five wineries in operation in Knights Valley prior to the era of National Prohibition.

The boundary of the viticultural area may be found on four (4) U.S.G.S. quadrangle maps, 7.5 minute series (topographic), scale 1:24,000—Mount St. Helena, Jimtown, Mark West Springs, and Detert Reservoir. The boundary of the viticultural area is specified in the regulation portion of this document at § 9.76(c).

#### 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 surrounding areas. ATF has determined that the proposed area is distinguished from the surrounding areas on the bases of elevation, soil, climate, and other geographical features.

The proposed viticultural area ranges in elevation from 360 feet to slightly over 4,300 feet. The valley area encompasses ranges in elevation from 360 feet to 600 feet. The upland areas contain fairly rugged peaks that are over 3,500 feet in elevation, e.g., Pine Mountain—3,614 feet, Red Hill—3,527 feet, and Mount St. Helena—4,343 feet. The areas currently used for grape production are consistently higher in elevation than the grape-growing areas in the adjacent Alexander Valley, Chalk Hill, Russian River Valley, and Napa Valley areas. The differences in elevation between this area and the surrounding areas will become significantly more evident when the many hill "islands" and peninsulas in the upper elevations capable of quality grape production are fully developed into producing vineyards.

The soils in the valley and mountainous upland areas of the proposed viticultural area are distinct from each other. This is due to the different parent material from which the soils were formed, i.e., alluvial in the valley and indurated rock in the uplands. The valley soils are derived from parent material of a relatively young geologic age, while the upland soils are derived from older parent material. The upland soils in the areas north and south of the valley area are derived from different types of parent material. The soils in the northern area are derived from "Franciscan Formation" parent material laid down in the Jura-Cretaceous period, while the soils in the southern area are derived from parent material known as "Sonoma Volcanics" laid down in the late Pliocene to early Pleistocene epoch. The contrast in soils derived from these parent materials allows for an easy

distinction between the valley area and the northern and southern upland areas.

Adjacent areas are also characterized by soils derived from alluvial material and indurated rock. However, there are differences in the parent materials from which the soils were formed. The Napa Valley area to the southeast is primarily surrounded by uplands with soils derived from "Pleistocene Volcanic" formations whereas the Alexander and Dry Creek areas to the northwest are surrounded by uplands with soils derived from both "Franciscan Formation" and "Dry Creek Conglomerate" parent materials.

The valley soils in the proposed viticultural area are primarily of the Yolo-Cortina-Pleasanton association. The soils in the northern and southern upland areas are primarily of the Yorkville-Suther and Goulding-Toomes-Guenoc associations, respectively. However, the eastern portion of these areas, along the Sonoma County line, is characterized by soils of the Kidd-Forward-Cohasset association. Much of the Dry Creek and Alexander Valley areas are characterized by the same type of soil associations; however, the soils adjacent to the Russian River in the Alexander Valley area are deep, fertile soils not generally represented in the proposed viticultural area. The Sonoma Valley which lies to the south along the eastern Sonoma County line and the Napa Valley viticultural area are also characterized by highly fertile soils. The soils used for grape production in the proposed viticultural area are generally characterized by low fertility; many are rocky and gravelly and others exhibit a low pH.

The climate in the proposed viticultural area is typically Mediterranean, i.e., characterized by warm, dry summers and mild, cool, moist winters. The climate is moderated by the proximity of the viticultural area to the Pacific Ocean, isolation from large valleys and low mountain elevation.

The valley area has an average annual rainfall of 44 inches, temperature of 58–60 degrees F., and a frostfree season of 220–270 days. The upland areas are generally wetter, cooler, and have shorter frostfree seasons than the valley area. Rainfall in the valley area is similar, but slightly higher than the Alexander Valley area. The Sonoma Valley area and portions of the Napa Valley area receive significantly less rainfall.

The proposed viticultural area exemplifies the general temperature trend of Sonoma County, i.e., rising from south to north. Temperatures in the valley area are similar to those in the

lower portion of the Alexander Valley area, but average slightly less due to the higher elevation. The growing season is usually shorter than the growing season in adjacent viticultural areas.

Under the climatic region concept developed by Amerine and Winkler, the proposed viticultural area is classified as Region III, i.e., the sum of the mean daily temperature above 50 degrees F., expressed in temperature-time values of degree days for each day in the period April-October of any given year, is generally 3,001-3,500 for the proposed viticultural area. The northern portions of the Napa Valley and Alexander Valley areas are also classified as Region III, while the Chalk Hill (Russian River Valley), area is classified as Region II, i.e., 2,500-3,000 degree days.

In the notice of proposed rulemaking, ATF has questioned whether the proposed boundaries are the most appropriate. Since a relatively high percentage of the acreage proposed for the viticultural area is either unsuitable for planting or currently used for purposes other than viticulture, ATF expressed the concern that a boundary based primarily on watershed criteria may be inappropriate for portions of the viticultural area, e.g., the northern upland area. Since no comments were received regarding this issue, ATF has established the boundary line as proposed by the petitioners.

#### Miscellaneous

ATF does not wish to give the impression by approving the Knights Valley viticultural area that it is approving or endorsing the quality of the wines 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 in advertisements as to the origin of the grapes used in the production of wine. Any commercial advantage gained can only come from consumer acceptance of Knights Valley 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 entities. 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 of 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, 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 implementary 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 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, 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 § 9.76 as follows:

#### Subpart C—Approved American Viticultural Areas

Sec.  
\* \* \* \* \*  
9.76 Knights Valley.

Par. 2. Subpart C is amended by adding § 9.76. As added, § 9.76 reads as follows:

#### Subpart C—Approved American Viticultural Areas

##### § 9.76 Knights Valley.

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

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

- (1) "Mount St. Helena Quadrangle, California," 7.5 minute series, 1959 (Photoinspected 1973);
- (2) "Jimtown Quadrangle, California," 7.5 minute series, 1955 (Photorevised 1975);
- (3) "Mark West Springs Quadrangle, California," 7.5 minute series, 1958; and
- (4) "Detert Reservoir Quadrangle, California," 7.5 minute series, 1958 (Photorevised 1980).

(c) *Boundary.* The Knights Valley viticultural area is located in northeastern Sonoma County, California. From the beginning point lying at the intersection of the Sonoma/Lake County line and the north line of Section 11, Township 10 North (T. 10 N.), Range 8 West (R. 8 W.) on the "Mount St. Helena Quadrangle" map, the boundary runs—

- (1) Westerly along the north line of Sections 11, 10, and 9, T. 10 N., R. 8 W. to the northwest corner of Section 9 on the "Jimtown Quadrangle" map;
- (2) Then southerly along the west line of Sections 9, 16, 21, 28, and 33, T. 10 N., R. 8 W., continuing along the west line of Section 4, T. 9 N., R. 8 W. to the southwest corner thereof;
- (3) Then easterly along the south line of Section 4 to the southeast corner thereof on the "Mount St. Helena Quadrangle" map;
- (4) Then southerly along the west line of Sections 10, 15, and 22, T. 9 N., R. 8 W. to the point of intersection with Franz Creek in Section 22 on the "Mark West Springs Quadrangle" map;
- (5) Then easterly along Franz Creek approximately 14,000 feet to the centerline of Franz Valley Road;
- (6) Then southerly along the centerline of Franz Valley Road to the point of intersection with the west line of Section 6, T. 8 N., R. 7 W.;
- (7) Then southerly along the west line of Section 6 to the southwest corner thereof;
- (8) Then easterly along the south line of Sections 6, 5, and 4, T. 8 N., R. 7 W. to the southeast corner of Section 4;
- (9) Then northerly along the east line of Section 4 to the point of intersection with the Sonoma/Napa County line;
- (10) Then northerly along the meanders of the Sonoma/Napa County

line on the "Mark West Springs Quadrangle," "Detert Reservoir Quadrangle," and "Mount St. Helena Quadrangle" maps to the point of intersection with the Lake County line on the "Mount St. Helena Quadrangle" map;

(11) Then northerly along the meanders of the Sonoma/Lake County line on the "Mount St. Helena Quadrangle" and "Detert Reservoir Quadrangle" maps to the point of beginning.

Signed: October 3, 1983.

W. T. Drake,  
Acting Director.

Approved: October 13, 1983.

David Q. Bates,  
Deputy Assistant Secretary (Operations).

[FR Doc. 83-28764 Filed 10-20-83; 8:45 am]

BILLING CODE 4810-31-M

## 27 CFR Part 9

[T.D. ATF-156; Ref: Notice No. 460]

### Lake Erie Viticultural Area

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

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

**SUMMARY:** This final rule establishes a viticultural area in the States of New York, Pennsylvania, and Ohio to be known as "Lake Erie." The Bureau of Alcohol, Tobacco and Firearms, (ATF) believes the establishment of Lake Erie as a viticultural area and its subsequent use as an appellation of origin on wine labels and in wine advertisements will allow wineries to better designate where their wines come from and will enable consumers to better identify the wines from this area.

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

**FOR FURTHER INFORMATION CONTACT:**

Robert L. White, Regulations and Procedures Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226 (202-566-7531).

**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, 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. 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.

Mr. William A. Gulvin, Secretary of the Ad Hoc Committee for the Lake Erie viticultural area, petitioned ATF to establish a viticultural area in the States of New York, Pennsylvania, and Ohio to be known as "Lake Erie." In response to this petition, ATF published a notice of proposed rulemaking, Notice No. 460, in the Federal Register on April 4, 1983 (48 FR 14390), proposing the establishment of the Lake Erie viticultural area.

#### Comments

Three comments were received during the comment period. One was from the Governor of the State of Ohio. The other two comments were from the Director of the Ohio Department of Natural Resources and the Director of the Ohio Department of Development. All three commenters stated that they fully support the Lake Erie viticultural area petition. ATF has received no information from any source indicating opposition to the petition.

#### General Information

The Lake Erie viticultural area has a 150 year history of grape growing and winemaking according to Leon D. Adams in his book *The Wines of America* (1978). Trial and error over the years has proven viticulture, in areas bordering the Lake Erie area, to be generally uneconomical.

The petition and attached documents show that the Lake Erie area is a distinct and contiguous viticultural district. Current orchard and vineyard surveys conducted by the States of New York (1976), Pennsylvania (1978), and Ohio (1976) report that, except where interrupted by urban development, there are approximately 40,000 acres of commercial vineyards scattered throughout the Lake Erie area. Very little or no commercial viticulture is indicated in surrounding inland counties.

Likewise, there are more than 30 commercial wineries, some dating from well before the turn of the century, distributed rather evenly throughout the Lake Erie area. None of these wineries are located more than ten miles inland from the Lake.

The petition and attached documents also show that the boundaries of the Lake Erie area reflect the extent of the area that contains sites which can

justifiably be said to be suitable for viticulture within the beneficial climatic influence of Lake Erie.

#### Evidence of the Name

The name of the area, Lake Erie, was well documented by the petitioner. Lake Erie is the geographical feature that defines this viticultural area. Its name dates from the earliest written history of this continent, and Lake Erie is universally known as such. After evaluating the petition and the comments received, ATF believes that the Lake Erie viticultural area has a unique historical identity and that the name "Lake Erie" is the most appropriate name for the area.

#### Geographical Features

In accordance with 27 CFR 4.25a(e)(2), a viticultural area should possess geographical features which distinguish the viticultural features of the area from surrounding areas. The petition and attached documents show that the Lake Erie viticultural area is distinguished from surrounding areas by its proximity to Lake Erie which exerts a moderating influence on the area. This proximity to Lake Erie and the influence that Lake Erie exerts on the local climate is the fundamental factor that permits viticulture in this area. Soils, elevations, and other physiographic features within the area are diverse and, through most of the area, do not directly form the basis of the Lake Erie area's viticultural distinction.

Authorities agree that temperature, in terms of length of frost-free growing season, freeze hazard at a given site (F. G. Haskins, "A Study of Fruit Sites in Northeastern Ohio from Standpoint of Frost Damage," 1950), and especially winter minimums, is the determining consideration with regard to the viability of a vineyard in the northeast. T. D. Jordan et al. in their bulletin on "Cultural Practices for Commercial Vineyards" (1981) state that: "Temperature is the first consideration in selecting the location of a vineyard. It involves length of growing season, as well as magnitude and frequency of winter minimums. Temperature requirements must be satisfied for a site to be considered." They go on to note that for commercial viticulture in this region a growing season of 165 days is considered minimal and 180 plus days is preferable, and that winter minimum temperature should infrequently fall below minus 10 degrees Fahrenheit and almost never below minus 15 degrees Fahrenheit.

Stephen S. Visher, in his book *Climatic Atlas of the United States*