

The Proposal

The FAA is considering an amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) to alter the description of VOR Federal Airway V-157 located in the States of North Carolina and South Carolina. Federal Airway V-157, which extends from Key West, FL, to Albany, NY, has a 130-mile gap between Kinston, NC, and Florence, SC. This action would improve flight planning by eliminating the gap. Section 71.123 of part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6G dated September 4, 1990.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, VOR Federal airways.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) as follows:

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. App. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

§ 71.123 [Amended]

2. § 71.123 is amended as follows:

By removing the words "Florence, SC. From Kinston, NC," and substituting the words "Florence, SC; Fayetteville, NC; Kinston, NC,"

Issued in Washington, D.C., on September 9, 1991.

William C. Davis,

Acting Manager, Airspace-Rules and Aeronautical Information Division.

[FR Doc. 91-22298 Filed 9-16-91; 8:45 am]

BILLING CODE 4910-13-M

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

[Notice No. 728]

RIN: 1512-AA07

The Oakville Viticultural Area (89F-92P)

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in the State of California to be known as "Oakville." This proposal is the result of a petition from the Rutherford and Oakville Appellation Committee. The committee 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 in wine labeling and advertising allows wineries to designate the specific areas where the grapes used to make their wines were grown and enables consumers to better identify wines they purchase.

DATES: Written comments must be received by November 18, 1991.

ADDRESSES: Send written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221 (Attn: Notice No. 728). Copies of the petition, the proposed regulations, the appropriate maps, and any written comments received will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, room 6300, 650 Massachusetts Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts 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 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. 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.

Petition

ATF has received a petition from the Rutherford and Oakville Appellation Committee proposing to establish a new viticultural area in Napa County California, to be known as "Oakville." The appellation committee is composed of seven wineries and seven grape-growers from within the Oakville and Rutherford areas of Napa County. The proposed Oakville viticultural area is located in the south-central portion of the Napa Valley approximately 10 miles northwest of the city of Napa. There are approximately 13 bonded wineries located with the Oakville area. The area contains about 5,760 total acres, most of which are densely planted to vineyards.

The petition provides the following information as evidence that the proposed area meets the regulatory requirements discussed above.

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. Crabb 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 1870's and early 1880's, 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 proposed 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 Mr. Eden and an Inglenook production and bottling plant.

Of the approximately 13 bonded wineries located in the proposed 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) generally 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 Masee'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.

According to the petitioners, the proposed 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 proposed 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 proposed 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, proposed here as the Oakville viticultural area, 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 proposed 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, flood plains, 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 to differentiate the proposed 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 proposed 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	Degree-days	Temperature relative to Rutherford in center of valley (percent)
Calistoga.....	3369	+7
St. Helena.....	3229	+2
Rutherford.....	3159	-0
Oakville.....	3124	-1
Napa.....	2882	-9

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. This data is shown below and is the average reading for the 4-year period between 1985 and 1988:

Location	Degree-days	Temperature relative to Rutherford in center of valley (percent)
Calistoga.....	3768	+11
St. Helena.....	3575	+5
Rutherford.....	3389	-0
Oakville.....	3039	-10
Yountville.....	2695	-20
Napa.....	3180	-6

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 rainfall (inches)
Calistoga.....	45 to 50
St. Helena.....	35 to 40
Rutherford.....	35 to 40
Oakville.....	35
Yountville.....	30
Napa.....	30

Soil

The "General Soil Map" of Napa County, California, prepared by the United States Department of Agriculture (USDA) 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 proposed 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 proposed 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.

Proposed Rutherford Viticultural Area

In today's issue of the Federal Register, ATF is also publishing a notice of proposed rulemaking on the proposed Rutherford viticultural area. This proposed area is in Napa Valley adjacent to the proposed Oakville viticultural area. All interested parties should review this notice and decide if they wish to comment.

Petitions for Oakville Bench and Rutherford Bench Viticultural Areas

The petitions for the Oakville Bench and Rutherford Bench viticultural areas were submitted to ATF by the petitioners at the same time as the Oakville and Rutherford petitions. These additional, smaller areas would each be wholly contained within the respective, larger Oakville and Rutherford areas. ATF is currently analyzing the data submitted with these two petitions. In addition, we are reviewing various letters submitted to us from persons in the area who oppose the Oakville Bench and Rutherford Bench petitions. We will be glad to review any information which is submitted to us concerning the two "Bench" petitions. If such information is received in time, we will take it into consideration before deciding whether to issue a notice of proposed rulemaking. If a notice of proposed rulemaking is published, all interested parties will have an opportunity to submit comments during the comment period.

Proposed Boundary

The boundary of the proposed Oakville viticultural area may be found on two United States Geological Survey maps with a scale of 1:24,000. The boundary is described in proposed § 9.134.

Executive Order 12291

It has been determined that this proposed regulation 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. Accordingly, a regulatory flexibility analysis is not required because the proposal, if promulgated as a final rule, is not expected (1) to have secondary, or incidental effects on a substantial number of small entities; or (2) to impose, or otherwise cause a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities.

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 notice of proposed rulemaking because no requirement to collect information is proposed.

Public Participation

ATF requests comments from all interested parties. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before the closing date.

ATF will not recognize any comment as confidential. Comments may be disclosed to the public. Any material which a 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. During the comment period, any person may request an opportunity to present oral testimony at a public hearing. However, the Director reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

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 proposed to be amended as follows:

PART 9—AMERICAN VITICULTURAL AREAS

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

Authority: 27 U.S.C. 205.

Par. 2. The Table of Contents in subpart C is amended to add § 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, photoinsected 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 southwest 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 past its intersection with State Highway 29 and then paralleling an unnamed road

which enters State Highway 29 from the west;

(4) Then, at the point at which the unnamed road ends, the boundary proceeds in a straight line along a drainage channel (not shown on the map) a total of 4,035 feet from State Highway 29;

(5) Then south (S40° 31' 42"E) and continue to follow the drainage channel 510 feet around Assessor's Parcel Number 27-01-14 (not shown on the map), then southwest in a straight line in a parallel direction to the boundary previously described in paragraph (c)(4) of this section to the 500-foot contour line of the Mayacamas Range in the southwestern corner of Section 21, T.7 N., R.5 W.;

(6) 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;

(7) 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.;

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

(9) Then proceed along the light duty road 625 feet, then proceed northeasterly (N40° 43' E) in a straight line 1,350 feet, along the northern property line of Assessor's Parcel Number 27-38-08 (not shown on 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;

(10) Then proceed due east to the 300-foot contour line, then follow that contour line around the Yountville Hills to the north to the eastern edge of the Rutherford quadrangle map;

(11) Then proceed (on the Yountville quadrangle map) in a straight line in a northeasterly direction (N27° 00' E) past the Napa River, then continue in the same direction approximately 400 feet along a fence line (not shown on the map), then continue along the fence line (which coincides with an unimproved dirt road shown on the map) approximately 1,000 feet southwest of the intersection of Conn Creek with Rector Creek) in a northeasterly direction to the intersection of Conn

Creek and Rector Creek, then along Rector Creek to the northeast past the Silverado Trail to its point of entry to Rector Reservoir;

(12) Then proceed due north approximately 1,000 feet to the 500-foot contour line and along the contour line in a northwesterly direction through Sections 19, 24, 13, 18, and 13 to the intersection of the contour line with the southern border of Section 12 in T.7 N., R.5 W.;

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

Signed: August 1, 1991.

Stephen E. Higgins,
Director.

Approved: August 15, 1991.

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

[FR Doc. 91-22311 Filed 9-16-91; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

RIN 1512-AA07

[Notice No. 729]

The Rutherford Viticultural Area (89F-90P)

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in the State of California to be known as "Rutherford." This proposal is the result of a petition from the Rutherford and Oakville Appellation Committee. The committee 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 in wine labeling and advertising allows wineries to designate the specific areas where the grapes used to make their wines were grown and enables consumers to better identify wines they purchase.

DATES: Written comments must be received by November 18, 1991.

ADDRESSES: Sent written comments to: Chief, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221 (Attn: Notice No. 729). Copies of the petition, the proposed regulations, the appropriate maps, and any written

comments received will be available for public inspection during normal business hours at: ATF Reading Room, Office of Public Affairs and Disclosure, room 6300, 650 Massachusetts Avenue, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Robert White, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts 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 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 distinguished by geographic 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 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.

Petition

ATF has received a petition from the Rutherford and Oakville Appellation Committee proposing to establish a new viticultural area in Napa County, California, to be known as "Rutherford."

The appellation committee is composed of seven wineries and seven grape-growers from within the Oakville and Rutherford areas of Napa County. The proposed Rutherford viticultural area is located in the central portion of the Napa Valley approximately 12 miles northwest of the city of Napa. There are approximately 31 bonded wineries located within the Rutherford area. The area contains about 6,650 total acres, most of which are densely planted to vineyards. The petition provides the following information as evidence that the proposed area meets the regulatory requirements discussed above.

Viticultural Area Name

The name Rutherford has been associated with the area between St. Helena and Oakville in the Napa Valley for over 100 years. From the mid-nineteenth through the early twentieth centuries, Rutherford 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 wines from the Rutherford area, including those of Gustave Niebaum, founder of Inglenook Winery. In 1838 George Yount arrived in the area now called Yountville and planted his first grapes in the 1850s. His vineyard is reported to be the first planted Napa County. In 1864, Yount gave 1,040 acres of land to his granddaughter, Elizabeth (Yount) Rutherford and her husband Thomas. According to historian John Wichels, "The settlement surrounding this ranch was thereafter known as Rutherford." The southern border of the ranch runs from Silverado Trail to the Napa River along a straight line which incorporates what is now Skellenger Lane. That lane and the Rutherfords' southern property line is used to define part of the southern border of the proposed Rutherford viticultural area.

From 1850 to 1880, Rutherford 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 Rutherford Post Office was established in 1871 and the Rutherford voting precinct was established in 1884. During the 1870s and early 1880s, there was rapid expansion in the number of vineyard plantings and wine production. The cellars of E.B. Smith and Charles