

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]

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## 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

Krug (which eventually became those of Niebaum) produced 76,000 gallons.

Following the wine boom of the 1870s and early 1880s, Napa Valley wineries suffered a significant setback as *pylloxera* 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.

Although the period after Prohibition until the early 1970s was relatively stagnant in the wine sector, the community of Rutherford in particular contained to bolster its reputation for quality grapes and wine, according to the petitioners. Throughout these years, Beaulieu and Inglenook were regular award winners at the California State Fair. Inglenook owner John Daniels prided himself on the fact that all of Inglenook's grapes were estate grown on its vineyards in Rutherford, with the sole exception of Daniel's Napa Nook Ranch located south of the west Oakville area on land now owned by the John Daniel Society in Yountville.

The name "Rutherford" has a long history of use by newspapers, magazines and wine books to describe this prominent Napa Valley wine community. Some examples of these publications include *The Connoisseurs' Handbook of California Wines* by Charles Olken, Earl Singer and Norman Roby, third edition, revised, 1984; *The Wine Spectator* magazine, "The Rutherford Beach" by James Laube, July 15, 1987; *Friends of Wine* magazine, "Napa Winery Profiles: The Quest for Site," May 1984, Volume XXI, Number 2; and the *Modern Encyclopedia of Wine* by Hugh Johnson, second edition, revised and updated, 1987. Numerous newspapers throughout the country have had articles about wine which contain references to the Rutherford area.

**Historical/Current Evidence of Boundaries**

Because the village of Rutherford 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 Rutherford viticultural area. The Rutherford Crossroads and the Rutherford Post Office are the most notable examples of the name's use within the area. It is also worth noting that there are three wineries whose brand names refer directly to Rutherford—Rutherford Hill, Rutherford Vintners and Round Hill Winery's Rutherford Ranch Brand. All three wineries are located in the proposed Rutherford viticultural area. Postal and telephone service areas are less relevant in terms of precise boundaries for the area but do attest to consumer recognition of Rutherford as a distinct and separate community.

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

Rutherford (Napa) Small community located in south-central Napa Valley between Oakville and St. Helena in a temperate Region II climate \* \* \*. The area is home for many important wineries—Beaulieu, Inglenook Caymus, Rutherford Hill \* \* \*.

Of the approximately 31 bonded wineries located in the proposed area, most have Rutherford addresses. The main exceptions include approximately 6 wineries at the northern boundary which have St. Helena addresses and one winery along the Silverado Trail in Rutherford that has a Napa address. These exceptions apparently relate to the fact that these wineries have their mail delivered directly from the St. Helena or Napa post offices and do not maintain post offices boxes in Rutherford. These bonded winery addresses (with the exception 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 regions 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. 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 Rutherford 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 Rutherford (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 mountains 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 Rutherford viticultural area is warmer than the area around Oakville

to the south and cooler than the St. Helena area to the north. The incursion of fog is also less pronounced in the Rutherford area than in the Oakville area.

Within this general mesoclimatic context, local relief or topoclimate is significant in determining diurnal temperature pattern within the Rutherford 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 Rutherford 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 Rutherford 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 flood plain 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 Rutherford and Oakville 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.

#### Geomorphology, Hydrology and Soils

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 Rutherford viticultural area from the mountains to the east and west.

According to the petitioners, soils and geomorphic mapping should go hand in hand, as soils usually are mapped according to geomorphic surfaces or units. Within the valley floor area of Napa Valley, there are both alluvial fans and river deposits. The petitioners state that the size and location of these fans, their (dis)similarity in terms of geologic parent material and soils, and the course of the Napa River and other drainage systems can help to establish viticultural area boundaries on the valley floor. For example, north of Rutherford is a massive fan emanating from the Sulphur Canyon drainage system in the Mayacamas Range. This fan sweeps across the valley floor in St. Helena from west to east and lies generally north of Zinfandel Lane. Pleasanton loam soils predominate. The Rutherford and Conn Creek fans south of Zinfandel Lane push against the Sulphur Canyon fan from the south. Although the point of convergence of these three fans does not lie along a straight line, Zinfandel Lane does serve to separate these areas and, according to the petitioners, provides a good northern boundary for the proposed Rutherford viticultural area. As one proceeds down Napa Valley, Zinfandel Lane also marks the widening

of the valley floor, which continues until the appearance of the Yountville Hills at the southern end of Oakville.

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

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

According to Associate Professor Deborah L. Elliott-Fisk, Department of Geography, University of California, Davis, the 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 pH slightly in the Rutherford area and alters soil texture and plant nutrition. The high frequency of clasts from Sonoma Volcanics in the Oakville fan soils unifies the proposed Oakville viticultural area and distinguishes it from Rutherford.

**Proposed Oakville Viticultural Area**

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

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

The petitions for the Rutherford Bench and Oakville Bench viticultural areas were submitted to ATF by the petitioners at the same time as the Rutherford and Oakville petitions. These additional, smaller areas would each be wholly contained within the respective, larger Rutherford and Oakville 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 Rutherford Bench and Oakville 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 Rutherford 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 § 9.133.

**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 L. 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 § 9.133 to read as follows:

### Subpart C—Approved American Viticultural Areas

Sec.

\* \* \* \* \*

9.133 Rutherford.

**Par. 3.** Subpart C is amended by adding § 9.133 to read as follows:

### Subpart C—Approved American Viticultural Areas

\* \* \* \* \*

#### § 9.133 Rutherford

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

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

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

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

(c) *Boundary.* The Rutherford 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" 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 northwesterly direction in T.7 N., R.5 W. through Sections 21, 20, 17, 18, 17, and 18 to the center of Section 7 where the 500-foot contour line intersects the land grant line (land grant line is marked but not identified on the map), thence in a straight line to the end of the county road (Zinfandel Avenue, known locally as Zinfandel Lane) near the 201-foot elevation marker;

(7) Then in a northeasterly direction along Zinfandel Lane approximately 2.12 miles to the intersection of that road and Silverado Trail, then continuing northeasterly in a straight line to the 380-foot contour line;

(8) Then following the 380-foot contour line southeasterly through Section 33 to the western border of Section 34, T.8 N., R.5 W., then following that section line north to the 500-foot contour line;

(9) Then following the 500-foot contour line southeasterly to the western border of Section 2, T.7 N., R.5 W., then south along that section line past Conn Creek to its intersection with the 500-foot contour line northwest of the unnamed 832-foot peak;

(10) Then continuing in a generally southeasterly direction along the 500-foot contour line through Sections 3, 2, 11 and 12 to the intersection of that contour line with the southern border of Section 12 (on Yountville map);

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

Signed: August 1, 1991.

Stephen E. Higgins,

Director.

Approved: August 15, 1991.

John P. Simpson,

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

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