

proposed "North Coast" viticultural area?

5. Is there sufficient evidence to approve the overlaying of any or all of the six proposed viticultural areas located within the proposed "Northern Sonoma" area?

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material or comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosing to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request. In writing, to the Director within the 45-day comment period. The request should include reasons why the commenter feels that a public hearing is necessary. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

List of Subjects in 27 CFR Part 9

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

Drafting Information

The principal author of this document is John A. Linthicum, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

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

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the heading of § 9.70. As amended, the table of sections reads as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *

9.70 Northern Sonoma.

Par. 2. Subpart C is amended by adding § 9.70 to read as follows:

§ 9.70 Northern Sonoma.

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

(b) *Approved map.* The approved map for determining the boundary of the Northern Sonoma viticultural area is the U.S.G.S. Topographic Map of Sonoma County, California, scale 1:100,000, dated 1970.

(c) *Boundary.* The Northern Sonoma viticultural area is located in Sonoma County, California. The boundary description in paragraphs (c)(1)–(c)(23) of this section includes (in parentheses) the local names of roads which are not identified by name on the map.

(1) The beginning point is the point, in the town of Monte Rio, at which a secondary highway (Bohemian Highway) crosses the Russian River.

(2) The boundary follows this secondary highway (Bohemian Highway) southeasterly across the Russian River, along Dutch Bill Creek, through the towns of Camp Meeker, Occidental, and Freestone, then northeasterly to the point at which it is joined by State Highway 12.

(3) The boundary follows State Highway 12 through the town of Sebastopol to the point, near a bench mark at elevation 96 feet, at which it intersects a northbound secondary highway (Fulton Road) leading toward the town of Fulton.

(4) The boundary follows secondary highway (Fulton Road) north to the town of Fulton where it intersects an east-west secondary highway (River Road).

(5) The boundary follows this secondary highway (River Road)—

(i) east past U.S. Highway 101 (where the name of this secondary highway changes to Mark West Springs Road),

(ii) easterly, then northerly to the town of Mark West Springs (where the name of this secondary highway changes to Porter Road).

(iii) easterly to the town of Petrified Forest (where the name of this secondary highway changes to Petrified Forest Road), and

(iv) northeasterly to the Sonoma County-Napa County line.

(6) The boundary follows the Sonoma County-Napa County line northerly to the Sonoma County-Lake County line.

(7) The boundary follows the Sonoma County-Lake County line northwesterly to the section line on the north side of Section 11, Township 10 North, Range 8 West.

(8) The boundary follows this section line west to the northwest corner of Section 9, Township 10 North, Range 8, West.

(9) The boundary follows the section line south to the southwest corner of Section 4, Township 9 North, Range 8 West.

(10) The boundary proceeds in a straight line northwest to the northeast

corner of Section 36, Township 10 North, Range 9 West.

(11) The boundary follows the section line north to the northeast corner of section 13, Township 10 North, Range 9, West.

(12) The boundary proceeds in a straight line northwesterly to the intersection of 38° 45' North latitude parallel and 122° 52' 30" West longitude meridian.

(13) The boundary proceeds in a straight line northwesterly to the southeast corner of Section 4, Township 11 North, Range 10 West.

(14) The boundary follows the section line north to the Sonoma County-Mendocino County line.

(15) The boundary follows the Sonoma County-Mendocino County line west then south to the southwest corner of Section 34, Township 12 North, Range 11 West.

(16) The boundary proceeds in a straight line southeasterly to the southeast corner of Section 3, Township 11 North, Range 11 West.

(17) The boundary follows the section line and its extension south to 38° 45' North latitude parallel.

(18) The boundary follows this latitude parallel west to the west line of Section 5, Township 10 North Range 11 West.

(19) The boundary follows the section line south to the southeast corner of Section 18, Township 9 North, Range 11 West.

(20) The boundary proceeds in a straight line southwesterly approximately 5 miles to the peak of Big Oak Mountain, elevation 1404 feet.

(21) The boundary proceeds in a straight line southerly approximately 2¾ miles to the peak of Pole Mountain, elevation 2204 feet.

(22) The boundary proceeds in a straight line southeasterly approximately 4¾ miles to the confluence of Austin Creek and the Russian River.

(23) The boundary follows the Russian River northeasterly, then southeasterly to the beginning point.

Approved: June 21, 1983

Stephen E. Higgins,
Director.

[FR Doc. 83-17257 Filed 6-24-83; 8:45 am]

BILLING CODE 4810-31-M

27 CFR Part 9

[Notice No. 471]

Walla Walla Valley Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Bureau of Alcohol, Tobacco and Firearms (ATF) is considering the establishment of a viticultural area in southeast Washington and northeast Oregon, to be known as "Walla Walla Valley." This proposal is the result of a petition submitted by the Walla Walla Valley Wine Growers Association. ATF feels that the establishment of viticultural areas and the subsequent use of viticultural area names as appellations of origin in wine labeling and advertising will help consumers identify the wines they may purchase.

DATE: Written comments must be received by August 11, 1983.

ADDRESS: Send written comments to: Chief, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 385, Washington, DC 20044 (Notice No. 471).

Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Reading Room, Room 4405, Federal Building, 12th and Pennsylvania Avenue NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms, 1200 Pennsylvania Avenue, NW, Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION:**Background**

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37872, 54624) revising regulations in 27 CFR Part 4. These regulations allow the establishment of definite viticultural areas. The regulations also allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements.

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

Section 4.25a(e)(1), Title 27, CFR, defines an American viticultural area as a delimited grape-growing region distinguishable by geographical features, the boundaries of which have been delineated in Subpart C of Part 9.

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 characteristics (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 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 proposing an area east of Lake Wallula in the southeast portion of Washington State and the northeast portion of Oregon as a viticultural area to be known as "Walla Walla Valley." The area in question is bounded by three physical features—the Touchet Slope, Horse Heaven Ridge, and the Blue Mountains.

The proposed area consists of approximately 279 square miles (178,560 acres), contains two bonded wineries, and about 60 acres of grapes from several vineyards.

The petitioner claims that the proposed viticultural area is known by the name "Walla Walla Valley" for the following reasons:

(a) It has been known as such since it was settled in the 1850's, even prior to the creation of the States Oregon and Washington.

(b) The Walla Walla River flows through the valley into Walla Walla County, Washington.

(c) U.S.G.S. 7.5 minute quadrangle map titled Walla Walla identifies the area as the Walla Walla Valley.

Historical and current usage of "Walla Walla Valley" is supported by the following:

(a) In *The Horticultural Heritage of Walla Walla County, 1818-1977*, Joe J. Locati makes reference to the Walla Walla Valley as "including Touchet and Milton-Freewater . . . the Walla Walla River Basin."

(b) *The Geology and Groundwater Resources of the Walla Walla River Basin, Washington-Oregon*, published in 1965, states that the "Walla Walla Valley descends from about 1,500' at the foot of the mountain slopes to about 500'

where the river cuts through the bedrock ridge near Divide, astride the Oregon/Washington border."

(c) The U.S.D.A. in the *Soil Survey of Umatilla County, Oregon*, describes the Walla Walla Valley as extending from the northeast part of Umatilla County into the State of Washington.

Additional historical information concerning the proposed viticultural area:

(a) Circa 1871, Frank Orselli, as described by Locati in *The Horticultural History of Walla Walla County*, was growing fruits and vegetables, including grapes, and making wine.

(b) An 1891 agricultural directory showed the Offner Ranch, near the city of Walla Walla, containing a small acreage of grapes.

(c) As mentioned in the *Walla Walla Daily Statesman* on March 4, 1899, Walla Walla Valley was described as having soil perfect for grape growing, and a climate well suited for grape cultivation.

(d) During the 1950's, Mr. Bert Pesciallo bonded the Blue Mountain Vineyards, near Umapine, Oregon, the first bonded winery in the valley, producing approximately 500 gallons per year. He states that his father also grew grapes in the same vicinity from 1900 to 1910.

The petitioner claims that the proposed viticultural area is distinguished from the surrounding area for the following reasons:

(a) The valley has produced mainly fruit and vegetable crops in an irrigated setting, as opposed to the surrounding dryland areas which largely produce grain crops.

(b) The Walla Walla Valley receives 10-20 inches of precipitation per year (average 12.5 inches), while the Columbia Basin to the west and north receives less than 10 inches per year, and the Blue Mountains to the east and southeast receive 25-45 inches.

(c) The growing season within the proposed area is between 190 and 220 days, longest within the surrounding six counties.

(d) The average maximum and minimum temperatures within the proposed area are 65/42 F, while the surrounding areas range from a high of 66 F to a low of 34 F.

(e) The soils of the valley are all basically loess derived soils. Most are classed as I or II irrigated capability units by the Soil Conservation Service. This is in contrast to the soils west of the Touchet River and along the Snake and Columbia Rivers which are droughty and are classified as Class IV and VI. Soils to the west around Wallula

Gap on the Columbia River, and to the east in the Blue Mountains are considered not suitable for cultivation.

The boundaries of the proposed Walla Walla Valley viticultural area may be found on two U.S.G.S. topographical maps in the scale of 1:250,000 series: Walla Walla, WA, 1953, (limited revision 1963) and Pendleton, OR, 1953 (revised 1973).

The boundaries, as proposed by the petitioner, are described in § 9.91.

Regulatory Flexibility Act

The provisions of the Regulatory Flexibility Act relating to initial and final regulatory flexibility analyses (5 U.S.C. 603, 604) are not applicable to this proposal because this proposed rule, if issued as a final rule, will no have a significant economic impact on a substantial number of small entities. This proposal is not expected to have significant secondary or incidental effects on a substantial number of small entities, or impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens 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 proposed rule, if issued as a final rule, will not have a significant economic impact on a substantial number of small entities.

Compliance With Executive Order 12291

It has been determined that this proposed rule is not a "major rule" within the meaning of Executive Order 12291 of February 17, 1981, because it will not have an annual effect on the economy of \$100 million or more; it will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and it will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Paperwork Reduction Act

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

Public Participation—Written Comments

ATF requests comments from all interested persons concerning this proposed viticultural area. This document proposes possible boundaries for the Walla Walla Valley viticultural area. However, comments concerning other possible boundaries for this viticultural area will be given consideration.

Comments received before the closing date will be carefully considered. Comments received after the closing date and too late for consideration will be treated as possible suggestions for future ATF action.

ATF will not recognize any material in comments as confidential. Comments may be disclosed to the public. Any material which the commenter considers to be confidential or inappropriate for disclosure to the public should not be included in the comment. The name of the person submitting a comment is not exempt from disclosure.

Any interested person who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his or her request, in writing, to the Director within the 45-day comment period. The Director, however, reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

List of Subjects in 27 CFR Part 9

Administrative Practice and Procedure, Viticultural Areas, Consumer Protection, and Wine.

Drafting Information

The principal author of this document is James P. Ficaretta, FAA, Wine and Beer Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority

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

PART 9—AMERICAN VITICULTURAL AREAS

Paragraph 1. The table of sections in 27 CFR Part 9, Subpart C, is amended to add the title of § 9.91 to read as follows:

Subpart C—Approved American Viticultural Areas

Sec.

* * * * *
9.91 Walla Walla Valley.

Par. 2. Subpart C is amended by adding § 9.91 to read as follows:

§ 9.91 Walla Walla Valley.

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

(b) *Approved Maps.* The appropriate maps for determining the boundaries of the Walla Walla Valley Viticultural area are two U.S.G.S. maps. The maps are titled "Walla Walla", Washington; Oregon 1953 (limited revision 1963) and "Pendleton", Oregon; Washington 1953 (revised 1973).

(c) *Boundaries.* The Walla Walla Valley viticultural area, located in the southeast portion of Washington State and the northeast portion of Oregon, consists of approximately 178,560 acres. The boundaries of the Walla Walla Valley viticultural area, using landmarks and points of reference found on the appropriate U.S.G.S. maps, are as follows: Beginning at a point just northeast of Dixie, Washington, in T8N/R37E, at the intersection of Highway 3 and Mud Creek; Southwest along State Highway 3 approximately 4 miles to its intersection with the Northern Pacific railroad in T7N/R37E; Follow the Northern Pacific in a generally westerly direction, through Walla Walla; Continue west, then northwest along the railroad line, past Pedigo Station until it intersects the secondary road in T8N/R34E; thence, southwest in a straight line approximately 12½ miles until it meets the Union Pacific railroad at the intersection of T7N and R32E/R33E; South along R32E/R33E for 2 miles until it intersects the 1,000' contour line; Follow the 1,000' contour line in a southeast direction until it intersects the Union Pacific railroad at T5N/R35E; South along said track until it intersects Dry Creek in T4N/R35E; Southeast along Dry Creek until it intersects the 2,000' contour line; Continue in a northeast direction along the 2,000' contour line until it intersects Dry Creek in T7N/R38E; North along Dry Creek, approximately 3½ miles, until it intersects the Northern Pacific railroad at T8N/R37E; Continue in a northeast direction along said track until it intersects Mud Creek; Follow Mud Creek in a northwest direction to the beginning point where it intersects State Highway 3.

Approved: June 21, 1983.

Stephen E. Higgins,

Director.

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