BEFORE THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS
STAGS LEAP DISTRICT VITICULTURAL AREA
PUBLIC HEARING

Volume III

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Veterans Home of California
Veterans Home Station
Yountville, CA

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CSR NO. 2556
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AFTERNOON SESSION

(2:00 p.m.)

MR. DRAKE: I would ask that you try to stick with the 10-minute time frame, if possible. Also, at the conclusion, both Mr. Mendelson and Mr. Hillman have asked to make concluding remarks. Since Mr. Mendelson represents the proposing operation, I will let you be last. Mr. Hillman will go right before you at the end.

Gerald and Mimi Simonson. You are both?

MRS. SIMONSON: My name is Mimi Simonson. I live at 6300 Silverado Trail with my husband, Gerald. He wanted to be here today, but he had to work. Somebody had to be here.

We have lived at our ranch on Silverado Trail almost ten years and have always identified Stags Leap by what our neighbors called the striking geographical promontory with its canyon and waterfall. The legend that was told to us by longtime valley residents was that Stags Leap got its name from a stag escaping a hunter by leaping over the canyon at the promontory. Many area maps locate the promontory as the focal point of Stags Leap.

If you swing an arc from the focal point, our land
is 1-1/2 miles from this promontory. Increase the arc to
two miles, and it encompasses the land to the Yountville
Cross Road and to the river. The proposed southern
boundary is 2-1/2 miles from the Stags Leap promontory.
With our close proximity, why were we not included?

In one of the proposed appellation boundaries, the
boundary line cut through our vineyard. When we
requested to include all our land within the boundary, we
were excluded rather than included, which to us appears
very inconsistent.

Beginning at Stags Leap promontory and extending
to the river on a downslope, there are several soil
types. Keefers Gravely Loam predominates on the upper
slope areas and around the hills. Our vineyard soils are
consistent with the other vineyards within the proposed
boundaries in soil type and microclimate.

The effect of the wind is an important factor on
our land and, thus, because of this we oriented our
vineyard rows north and south. Being situated as we are
between the hills, the wind has a venturi effect; and
we believe that this is one reason that we have not had
problems with frost in our vineyard.

Our vineyard is young and has produced Chardonnay
grapes under contract to Ingleook Napa Valley for three
years. The grapes have been delivered to the winery,
meeting their specifications in acid, pH and sugar. The winery has always viewed our grapes as top quality grapes coming from the Stags Leap area.

In conclusion, we believe that the northern boundary of the proposed Stags Leap Agricultural District should be the Yountville Cross Road.

MR. DRAKE: Mrs. Simonson, did you say that the proposed line withdrew your vineyard?

MRS. SIMONSON: It was part of our vineyard. It was included in it.

MR. DRAKE: It was included?

MRS. SIMONSON: Yes. I think you have that in your paperwork.

MR. DRAKE: All right.

MR. LIBERTUCCI: In closing, you said that someone had referred to your grapes as having high quality, coming from the Stags Leap area.

MRS. SIMONSON: This is Inglenook, and that's just a general. I'm not saying that as the Stags Leap area. It was an area that you could denote as that side of the valley. It always has been referred to as that.

MR. LIBERTUCCI: Is this referred to in any type of correspondence?

MRS. SIMONSON: No.

MR. LIBERTUCCI: Okay. That's all the questions.
MR. GAHAGAN: The inspection weigh tags, they didn't show Stags Leap?

MRS. SIMONSON: No.

MR. GAHAGAN: What appellation was used on the wine?

MRS. SIMONSON: Napa Valley.

MR. DRAKE: Thank you.

Bud Dulinsky.

MR. DULINSKY: My name is George L. "Bud" Dulinsky. I was born in San Francisco in 1927 and moved to the valley two years later. I have lived in Napa Valley ever since. I now live in the town of Yountville, but spent my school years in several different homes. Two different homes, actually, on the Silverado Trail on the appellation area we're talking about now. One of them is where Mrs. Simonson lives now, and one is just below that.

I have been a member of the Native Sons of the Golden West since 1953. It is a fraternal organization which prides itself on the study of local and statewide California history. I have served as our parlor president and in many other capacities. My long association with the Native Sons and the years I have lived in Yountville have taught me much about our local history.
I have been an earth-moving and backhoe owner/operator in the Napa Valley since 1950 and have dug test pits, septic systems, drainage systems, foundations, trenching and other earth-moving services on almost, if not every, property in the proposed Stags Leap district and its northern extension, as well as the surrounding areas.

Living and working in this area through the years has given me a chance to speak to the farmers, as well as work the lands firsthand and develop an understanding of the differences between properties and between the areas. The area south of the Yountville Cross Road, the northern extension, as well as the northern portion of the proposed district has been in grapes and similar crops since the 19th century.

I often discussed the farming of these lands with Andrew Fagiani. He and his family worked some 20 farms in the area at the turn of the century and beyond, including the vineyards that now belong to Stan Anderson and Richard Chambers.

There was a sense of community among the early grape growers and wine makers in what is now the proposed district and northern extension. The Yountville Cross Road bridge was not yet in, and one of the only wineries of any size in the area was the Occidental Winery, first owned by [redacted], then by [redacted].
owned by the Grigsbys and later the Regussis.

The grapes grown in the early community south of the Yountville Cross Road, except the small amount that went into the home wines, must have been sold to the Occidental. The Occidental Winery was the easiest to haul to, as there was no bridge to the rail line in Yountville; and it was far easier to sell to your willing neighbor than it was to haul the grapes by wagon to the far north nor south. North is uphill and south is downhill.

I attended the hearing yesterday and was very interested to listen to the testimony of Ms. Elliot-Fisk and see the photographs that she had taken. The photographs of the large, sharp rocks on State Lane that she used to talk about a rector fan were placed there by man in the last 10 to 20 years, in fact, the last five years the last time, and were not placed there by nature.

The photograph that she showed of a drainage ditch with a round rock in it was also placed there by man and not by nature. It was originally placed there to help hold up the creek wall. She also used a sample that she had took north of the Yountville Cross Road and inferred that this is what could be found south of the cross road. This inference should not be made.
The area immediately north of the Yountville Cross Road has, until recently, been unplantable to grapes for several reasons. The area is dotted with springs and creeks that kept the land too wet and toward the river too marshy to plant. I have known of people annually hunting ducks attracted to the marsh. It was not until the 20's or early 30's that portions of the area immediately north of the crossroad became drained enough to support the agriculture.

Andrew Fagiani, who had done so well with the vineyards on what are now Stan Anderson's and Richard Chamber's properties, as well as the others in the Stags Leap area, found it impossible to successfully plant his own place. His property is immediately north of the cross road, and it was he that eventually saw to some of the necessary drainage.

The soil to the north of the crossroad is not the same as the soil to the south, even though the soil service might list them as such. West of the State Lane to the Napa River, the soil is not much more than one to two feet deep and then hits a difficult hard pan.

The soil east of State Lane is deeper, but like digging in a rock quarry and is hard, almost adobe-like soil, that was impossible to work without modern equipment.
The area just north of the Abruzzini property is a small development of houses for good reason. It is so hard that people finally gave up trying to plant it and turned it into homes.

I'd like to point out a small typo on my initial submission, Page 1, in the fourth paragraph where it says, "East of the State Lane." It should obviously say, "West of the State Lane."

The soil south of the Yountville Cross-Road is, for the most part, at a five to six foot depth and more easily suited for grapes. Having dug all over, I can tell you that the soils at Stan Anderson's and Benny Barboza's are almost identical to the soils at the original Stags Leap Ranch, and for that matter, the soils across the northern area of the Yountville Cross-Road are similar to the soils in the proposed district.

As a local resident for many years, it is important to me that local appellations be drawn fairly and correctly. Trying to divide Stags Leap at those two knolls makes no sense. The Yountville Cross Road is where things change, and this is history. I can think of no better northern boundary.

MR. DRAKE: You mentioned the rocks north of the cross road were placed there by man, right? How? Why? How do you know that?
MR. BUDLINSKY: Well, the first time it was done, it was done by Mr. Pagiani, so he said, with a horse in Fresno; to drain the property. The second time it was done, I did it. Third time it was done, it was done by Beringer Brothers.

MR. DRAKE: You also mentioned there was no bridge in the Yountville Cross Road until when?

MR. DULINSKY: I'm not sure when; after 1900. I'm not sure when.

MR. DRAKE: I think it was Mr. Heintz. I was trying to find the notes. I thought it was 1860.

MR. DULINSKY: That's not the bridge in Yountville. That's the bridge north of Yountville, what they call the Cook Bridge. It's right there at the Andrew -- it's a property line.

MR. DRAKE: You say the soil south of the Yountville Cross Road is deeper than the soil north of that cross road.

MR. DULINSKY: Immediately north.

MR. DRAKE: I know you are not a geologist, but what would cause that?

MR. DULINSKY: I think the soil comes from the same place. All the rest of the soil south comes from off of the hills, the same hills, the same kind of hills that are behind Stags Leap.
MR. DRAKE: That wouldn't occur to the north of the cross roads?

MR. DULINSKY: A different kind of rock.

MR. DRAKE: Yes?

MS. RENNECKAR: One question about the rock, the soil added, how much was added?

MR. DULINSKY: Three feet. I added the three feet. After that, it's been added more.

MR. FICARETTA: I had a question about the name. As a historian over the years, I think you pretty much agree as the name starts out immediately just as "Stags Leap Ranch" at the base of the hills has gone further out, you say here, since 1953 in the Yountville Chapter.

What was it known as in those days or as time has gone by, the area that's now proposed as Stags Leap District, is that known as Yountville or Napa? Does it have no name at all?

MR. DULINSKY: The whole Silverado Trail had a Napa address, including the cross roads. When I lived across the street from Stags Leap, it was just known as a ranch.

MR. DEVINEY: Given the consideration of your history, your life experience, right now, what do you personally consider the northern and southern boundaries of what you would call "Stags Leap"?
MR. DULINSKY: Well, I see nothing wrong with the boundaries used. I can't even state if the cross road was a bad boundary or a good boundary or even a noted boundary, but other than that, I really can't say.

MR. DEVINEY: Do you have an understanding of what Stags Leap consists of?

MR. DULINSKY: I didn't hear you.

MR. DEVINEY: Do you have an understanding of just how far Stags Leap extends? Do you have a feel for that?

MR. DULINSKY: Do I have an understanding of Stags Leap itself?

MR. DEVINEY: Right. When somebody tells you they're from Stags Leap, what does that mean to you?

MR. DULINSKY: Well, it means they're over there where the stag jumped off of the cliff, so the story goes; and it's a ranch within a little valley of its own.

MR. DEVINEY: Other than for historical purposes, it doesn't go beyond that?

MR. DULINSKY: Not as far as I'm concerned.

MR. DRAKE: You know, there is one thing that keeps coming up and I wish we could get a clearly stated indisputable answer and that's the marsh area north of the Yountville Cross Road. You're saying it was marshy, yet others have said they have grown grapes there for a lengthy period.
MR. DULINSKY: I don't really care what anybody else says. You're talking about Bill. I knew him for some 50 years. He was a supervisor within the county for 16 years, I believe. And he was well respected for not being a liar. He said, and in fact, his brother said the same thing, that they drained that property. Before, when it was regular property, they used to hunt ducks on it; and they drained it with a horse and team.

I definitely believe if you go further north, the ground is higher, much higher, as high as four feet higher; and if you go east, it gets higher; if you go west, it gets lower.

MR. DRAKE: Anybody else?

MR. DEVINEY: What about the area in that northern addition west of that westernmost ridge of hills between there and the Napa River, what kind of soil was that? Was that marsh?

MR. DULINSKY: You're talking about the northern addition?

MR. DEVINEY: Yes.

MR. DULINSKY: There is one part that I would say is exactly the same as Clos du Val's; both upper and lower parts of the soil. And then a little bit further north on the original Anderson place, it's just about the same as Stags Leap old ranch.
MR. DEVINEY: Was all of it fit for agriculture?

MR. DULINSKY: I think it was.

MR. DRAKE: Again, the soil to the north of the cross road is different than the soil to the south of the cross road?

MR. DULINSKY: Immediately north of Anderson's vineyard there is one piece that is the same as Stan Anderson's, a short, little piece right there. There's a little hump. I think the Beringers farm it, and it has some pretty shallow soil there, too.

MR. DEVINEY: Where is the marsh?

MR. DULINSKY: The marsh is on the Andrew Fagiani place.

MR. DEVINEY: Would you point out where that is.

MR. DULINSKY: This is it.

(Mr. Dulinsky indicates area on map.)

MR. DRAKE: That's Silverado Trail.

MR. DULINSKY: It would be right about here.

MR. DEVINEY: There's no marsh down in that northern addition, Anderson addition.

MR. DULINSKY: Right here is Andrew Fagiani's house.

MR. DEVINEY: I thought someone earlier said there was so much marsh in that Anderson addition west of the Spring Hill on the Simonson property. Is there any marsh
on there?

MR. DULINSKY: Now?

MR. DEVINEY: Yes.

MR. DULINSKY: Just north where they just put in
all that fill from the places on much marsh. In fact, it
hadn't been too long ago that I pulled Mr. Weeks out of
that marsh.

MR. DEVINEY: Where is that?

MR. DULINSKY: That's just above Andrew Fagiani's
place.

MR. DEVINEY: South of the cross roads.

MR. DULINSKY: South of the cross roads?

MS. RENNECKAR: Is that by Missimers?

MR. DULINSKY: No. There used to be a little marsh
right at Stan Anderson's, maybe a half to three quarters
of an acre, that had been drained entirely in years past;
but it was just a marshy piece of ground. In fact, I had
pears there; pears, prunes and grapes.

MR. DRAKE: Thank you, sir.

Richard Chambers.

MR. CHAMBERS: Good afternoon. You'll have to
forgive my low voice because that's just the way I am.
My name is Richard Chambers, and I live on a ranch at
6394 Silverado Trail with my family. I developed an
18-acre vineyard there all by myself of which I am very
proud, and it's been mentioned today.

It's a hillside terrace vineyard, and I think that I grow particularly good grapes. When I first started to develop that vineyard, I asked around and sought a lot of advice. One person who gave me good advice was Dick Steltzner, and he told me on that slope I should definitely plant red grapes. There is no way you can grow white grapes with that exposure.

Let me point out, again, I think it's been mentioned before, but let me point out where I am. It's right here. This is my vineyard. It's at the base of the Yountville Cross Road east of the trail of the hillside.

(Mr. Chambers indicates location on map.)

I must say that Bud Dulinsky helped me a great deal during the formation of the vineyard. He put in a lot of the drainage ditches for me. I have been able, fortunately, to work with a lot of people who have been very kind to me and helped me a lot.

I point out the fact that it's a red vineyard for a very specific reason, and that is, I don't think that we have emphasized enough the diversity within the Stags Leap region.

Now we have talked about a bit of cultural integrity or unique quality to the region, and I went
away yesterday thinking that everything in the region is
exactly the same. All the wines have the same
characteristic, and we talked mainly about the red
wines. But it's not the truth, and we all know it's not
the truth.

Within every vineyard there are differences.
Anyone who has worked a vineyard knows that. In my
vineyard I can point out a number of differences. From
one vineyard to another, there are differences; and in
general terms, those differences start at the hills and
they range down to the river. So when we are talking
about these problems, we have to take those differences
into consideration.

Also, I have done a lot of reading about this in
the recent weeks, and I reflected back. I talked to
Gary Andrus about five years ago, and he told me that
there was no way he could grow Cabernet on his upper
reaches above his winery because of the long growing
season that it requires. At least, that's what he told
me at the time.

There are more differences that likenesses among
the wines. That's been written a number of times. I
know that yesterday we had an excellent example, because
Bob Egan had said that comparing his Cabernet around his
house with the Cabernet that is grown down across the
north of the Yountville Cross Road down near the river, there are very definite differences, not to say one is better than the others, but there are a great deal of differences; and there is.

I don't doubt that a bit, but there are differences because Cabernet probably shouldn't be planted in that area. I know Alex Liborti says that that's not a place to plant Cabernet. If you would take and plant Cabernet down in the lower area down in here or over in here, particularly where you have the silt, and then you compared that with Bob Egan's house, you would also have the same differences. There is no question about that.

(Mr. Chambers indicates areas on map.)

So you can't make an issue of differences, saying that the northern extent of this appellation isn't qualified, because those differences would exist within the region, and we know that. After saying all of that, I still think that my grapes are Stags Leap grapes, and I say that based upon a few, I think, pet feelings.

I sell my grapes to John Shafer, and I have for the last three years. I have a perpetual contract with him. I do that because they are good people to deal with. They're a good family, I like them, and they understand my problems. Even though John yesterday said
that he didn't remember, and I'm sure he doesn't remember
tasting the Cabernet that he called "Stags Leap
Cabernet." I remember it because it was real ratification
for me that I was going to Stags Leap Cabernet.

It was a 1985 home brew. It wasn't his; he didn't
make it out of his grapes. I took it over there. Doug
was there and so was Elias, and John tasted it. It's a
vivid memory for me. It was very important to me. I'm
not saying that makes me Stags Leap. I understand that,
but stylistically it's the same. Now, why then can't I
be called "Stags Leap"?

After listening to yesterday's comments, I think I
might have been able to call it "Stags Leap," had I done
what Gary pointed out; and that is, had I advertised in
the Napa Valley Grape Growers Association that I was from
the Stags Leap region.

You're looking for those threads of evidence, and
had I five years ago had the wisdom to put a sign in
front of our property, "Richard Chambers Vineyard, Stags
Leap Area," I would have undoubtedly been sued, but the
suit would have gone on and on. And we had reached some
resolution of it, and I probably wouldn't be standing
here today, because I would have had a name recognition;
and that's what a lot of the arguments are based upon and
that bothers me somewhat. It really does.
Well, let's let that drop. This is a fairly editorial comment. At any rate, when we talk about Stags Leap region -- I would like to get back on the subject. When we talk about Stags Leap region, three years ago, I first heard about the initiation of this appellation and in my mind, in fact, almost everyone here, there's no question that the true heart of Stags Leap is the Stags Leap Valley. Bud just said it and most people said it. And I wouldn't have quarreled with that a bit; not a bit.

But when they started to extend that and extend it south into a totally different microclimate, in my opinion, extend it west beyond those Silverado hills and not extend it north when I think I am very valid in being Stags Leap, I can't understand it. I truly can't understand it.

So I began to research this, not truly research, but I am a scientific observer, I think. I started to read more about it, and I would like to discuss the growing conditions that exist within Stags Leap. I have a hard time designating Stags Leap in the northern addition of it. It was five percent more than we want, but the growing conditions within Stags Leap and our own additional area, I would like to describe those to you.

Now, everyone agrees, I think, that there are three or four ways to define "growing conditions." In
addition to the soils, in addition to topography and climate, there is also some exposure. Now that's not a big issue, but in my mind, it's an important issue, anyway; but I think that our sun exposure in the northern extension is the same as theirs. The only exceptions might be the backs of the few hills, like one of the Pine Ridge vineyards.

But when you get down to the next subjects, the soils and topography and climate, I think that's when you really can make some points. Until yesterday I thought there wasn't much of an issue regarding soils. I really thought that soils were fairly uniform throughout this region, uniform in the sense that they're totally un-uniform.

We are in a volcanic area. There are about 14 different soil types, as I understand, and we all share some mixture of those soils. In any one vineyard, you are going to find different soil types, any one vineyard that at least extends up the hills; and that doesn't matter if it's small, flat or straight, flat position. Within those flat areas, it's been previously documented by the USDA that it's 104 and 105, predominately.

Until yesterday I really thought that we had a consensus in that area, but after Professor Elliott-Fisk talked to us, I think she had a real impact. And I think
(Mr. Chambers shows photographs of road cuts.)

These, if you were looking north or standing on the north side of the Yountville Cross Road and look south and to your right, would be the river and to the left would be the hills. This is the road cut in front of Missimers, which is totally clean. This is the road cut just to the south of the Andersons. This is the road cut in front of Andersons, and this is the road cut to the east of Andersons. This spans the Yountville Cross Road, and all of these road cuts, to my eye, are clean. There are no big boulders in the soil.

Then I went down because I was already wet, and I went down and took a picture of mine which is also a clean road cut. I went down the road to Mondavi which is a clean road cut. I went down to Chimney Rock which is a clean road cut.

A real difference is on my own house site, which I know is an illuvial fan area. It is a big boulder, you can see that here; and in fact, it's the base for the Tahoma Grant, which is somewhat of historical interest. That's a different piece of soil, and I own about one acre of vines on that kind of soil. I wish I had all 18 of them because my best grapes come from there, so that's another argument.

Then I know a comment was made, also, that if you
go up around the Rector region, you will see a lot of rock walls. I know that I have seen rock walls down at Stags Leap, so I went down and took a picture of Warren's rock walls and these are a few. This is a view of Pine Ridge which certainly shows a different soil type.

Also, another point was made yesterday regarding the Oak Forest cover and, although, it was clarified that it did extend more, I want to prove it extends north along the hillside. This is a picture of my ranch; these are the oak trees above the house and the oak trees around the vineyard. There is moisture in this area, too.

All right. Those are soils and I think we should reconsider what soils we have and I would contend the soils are fairly uniform in that they are un-uniform throughout the whole region.

Then we talk about topography and climate, and this is really the centerpiece of almost everyone's discussions about Stags Leap. They talk about the hills, and they talk about the funnel effect and the venturi effect; and all of that I agree with, but I'd like to apply it to us as well.

First of all, we share the same range of hills to the east. We are exposed to that 2,000 foot Stags Leap range. We also are exposed to other hills. We are
exposed to this hill and this hill, which we are making a
great deal of. Our furthest portions of our vineyards
are within 300 yards of any of these hills. That really
doesn't hold down here. It's much further.

(Mr. Chambers indicates areas on map.)

But the hills are very important because not only
do they create this funnel effect, they also give you
late afternoon prolonged warming during the growing
season. They give you the early morning cooling of the
prolonged cooling that lasts on into the day, and in the
winter they give you some frost protection and that air
drainage off these hills certainly applies to us, just as
it does to them. There's no question about that.

What about the venturi effect? This is absolutely
the centerpiece of all of this discussion, and that's the
venturi effect up through here which was demonstrated
yesterday as coming over here, heading out and then
heading back up, with a few little drifts up here, a few
little eddies up in here; small, thin lines. These were
big, fat lines. This was a particularly big, fat line
out in here.

As a farmer in this region, I know that I can't
spray past 9:00 o'clock in the morning because the wind
starts to pick up. That's all through the growing
season. Any of us in this area will tell you that. It
peaks about mid-afternoon and then it dies out.

Unfortunately, no one has put any weather station in that area to document that. I thought the greatest weather station in the world is the vine, so I am going to show you some pictures of vines that live in that breeze, that bend over to that breeze as they develop, and you will find that there is a very definite breeze effect on these vines. Let me show those to you.

(Mr. Chambers shows photographs of vines.)

Now, the top four are pictures from my vineyard. That's because they're bigger. First of all, this is a picture down on my flat portion facing southeast, and you'll see the canopy grows this way. I realize that pictures can be deceiving. You could take one picture and you could really deceive someone, but believe me, this represents my impression of it, and I believe it to be true; and I welcome anyone to come out and look at my vineyard.

The canopy grows this way consistently all through the vineyard. We are looking east. Look at the vines. Nothing much in the way of cane over here. Look at all the cane over there. I know that John sees that on his vineyard. I've seen it on his vineyard as well. He more or less pointed it out yesterday. That is a very consistent fact through this whole area.
Another picture from my vineyard. Look at the canes. This is looking west. See how they're bending away from the south wind. Same thing with this. Then, what I did was I went over and I looked at Missimer's; I look at Barboza's; I looked at Anderson's. I didn't take pictures of all of them, but here is Anderson's. Here is the same thing. Looking west, canes are bent from the south wind. Another picture of the same thing. The Missimers, same thing.

Then I said, "Do all vines grow that way?" So I went over to Yountville and I took pictures in Yountville and I can't find anything but neutral cane growth. Maybe someone else can, but on up around that side over across the river and on up, it's neutral cane growth. So this is another fact. It takes more than one or two puffs of wind to create this. So we do share that wind effect.

Now where does that wind effect end? I have no idea. It might be 500 feet; it might be 5,000 feet. I have no idea, but it undoubtedly crosses the Yountville Cross Road. I don't question that at all, but I did go up State Lane and I couldn't find it on further up State Lane. I don't know where it stops. I'm sure, though, that the strong wind does dissipate in that area.

If the growing conditions are basically the same, which I propose they truly are, I propose that we have a
spillover effect from the Stags Leap Valley, that those
small hills are not that significant and that we enjoy
exactly the same that they do within the valley itself.
If that is the case, maybe the last index would be going
back to the beginning, how the vines and grapes mature.

I realize the comment was made this morning that
you can't take picking dates and make an issue out of
them, but unfortunately, there aren't many things you can
take, where it's very subjective from beginning to end,
because just to sit and taste the wine, you can't get two
people to truly agree on a wine.

So it's very hard to come up with hard evidence.
Acids don't mean that much. Nothing else means that much
in itself. Picking dates also don't mean that much, but
if you try to minimize the rest of the variables, it has
a little bit more importance.

So my picking dates I can compare with Shafer.
They take their grapes off a similar topographical area,
similar soils, similar viticultural practices. I can
stand here, and John will certainly agree, I think, that
my Merlot comes off with the same parameters the same day
and also goes into the same fermentation tank as his, the
last two years, at least.

My Cabernet, a similar story. My Cabernet,
somewhat different because we pick them off of separate
lots, but they come in within the same spectrum of time
as his Cabernet. And he can certainly correct me if I'm
wrong, but that's my impression. So again, we have some
reason to believe that the growing characteristics are
the same between the two areas. Truly.

Also, as of the last two days, I have heard that
we are Yountville, and there may be some general historic
notion that we're Yountville on this grand scheme, but
certainly we aren't as far as growing conditions are
concerned.

Again, if you back off to the four things that I
initially proposed, being that exposure which is the
same, topography and climate or soils. Soils are not the
same. We all, I think, in one area agree that the soils
are different. Also, some of that coal silt long existed
on our side of the river down in the Mondavi area and up
in the Missimer area, but soils are basically different.

Then that leaves the two other variables of
topography and climate, and there is a general venturi
effect up through the valley, a funnel effect, but it's
not magic. I don't think the air flows nearly as
prominently in the Yountville. The area has been
mentioned as being cold. You know that.

There is principally one other thing I'd like to
point out to you people, that is, yesterday the person
from Western Network pointed out that the two weather
stations that he had set up were really significant.
Those two weather stations, one was placed at 180 foot
level over here at approximately this location. The
other at 190 foot level in this case.

Then if you really read that data, which wasn't
really elaborated on, they measured it for 41 days after
the growing season, which we know that, at that time.
The wind is very strong and certainly not as significant.
Was the wind lower here than there? The difference was
on the average of 1.7 miles an hour, which figures out
to, then, a 19 percent difference between this area and
this area and are not even the same thing. It's the true
venturi effect, so the wind over here going into
Yountville isn't nearly as important.

So one last reason we are into the Yountville, I
would like to propose as a piece of evidence, that is, I
asked a vineyard owner who has a vineyard right along the
cross road on the south side of the cross road midway
between the bridge and Yountville to give me his
statement of whether we are Yountville or whatever.

This is written by Mr. Myer who owns California
Soleil Vineyards. I quote a portion of it which says:

"We have always marveled at the
structural differences between our growing
conditions and those barely a mile and a half to the east on Yountville Cross Road.

"The proposed Stags Leap appellation with the revised boundaries, it's our impression, then, that on a typical casual summer afternoon, that the temperature there is six to eight degrees warmer than at our vineyard.

"This comes with the known soil differences between the two areas roughly separated by the Napa River, which puts us in two distinct growing areas. Specifying which varieties are best suited, Cabernet will not be richer over on our side.

"Frost pattern, timing of harvest, the clearing of vineyards at the end of the Yountville Cross Road are far less, in general, continues to the general Stags Leap area, then to the Yountville area."

I would like to make two more points. You know the Yountville Cross Road has been mentioned as not being a reasonable boundary because it's a road. If you believe roads, at most appellation lines, at least many roads really represent one or more of the borders. They do even in the proposed appellation.
The Stags Leap Committee has mentioned they used the Silverado Trail and I don't think that's wrong because roads are margins of properties and properties develop reputations. It's those reputations that sometime eliminate appellation. I don't think that's a wrong way to look at it.

Also, I defy any of you to pick up two journals that describe Stags Leap and find out if there has got to be one of the two that use the Yountville Cross Road as a reference. They may say "up to and short of the Yountville Cross Road or just below the Yountville Cross Road or an extension of the Yountville Cross Road," words which many of you use, everyone including Mr. Ficaretta.

The point here is if you take a non-sophisticated consumer and you create this boundary from hilltop to hilltop, it's still going to be in the press and in the literature described someplace referred to the Yountville Cross Road in that non-sophisticated consumer is going to assume, that is, the Yountville Cross Road as the boundary. You are being ambiguous by not using the Yountville Cross Road. It's so obvious.

One last thing. I probably shouldn't say this. One last comment is that I thought if I went over to the Napa Valley Tourist Bureau in Yountville and walked in with some good clothes on and said, "Fellows, I would
really love to know where the Stags Leap area is, you know, where all of those good wineries are."

She stood behind the counter and she said, "I don't know. I think it's south." And of course, I was really taken aback, but I was bummed-out because there were other people there. This guy said, "Go to the north end of Yountville; get on the Yountville Cross Road; when you cross the bridge, look to your right and that's all the Stags Leap area; and it goes two or three miles from there." And I feel that's the perception that a lot of people have.

Thank you.

MR. DRAKE: Mr. Chambers, thank you.

Where is the Yountville area that you referred to? What do you mean when you say "Yountville area"?

MR. CHAMBERS: I don't know. I thought the Yountville area that was described by Mr. Myer was west of the river, in and around Yountville, and I assumed that is the Yountville area. I don't have really strong definition.

MR. DRAKE: How about north of the Yountville Cross Road? Is that part of the Yountville area?

MR. CHAMBERS: I don't think so. I'm basing that on the conclusion that it's a different growing condition, different soils.
MS. RENNECKAR: When did you start your vineyard?

MR. CHAMBERS: No, I didn't say I started. I bought the property in 1980 and started it in 1981.

MRS. SLATTERY: You mentioned something about: "If I posted a sign in front of my property saying 'Stags Leap Area,' I would be in litigation." Do you mean to imply the litigation that was going on in the '70's and '80's regarding the tradename "Stags Leap" might have affected some vineyard owners to be in the Stags Leap area?

MR. CHAMBERS: It was both. I am not sure that if I had taken the stand -- you know, a retrospective view of this is much different. Had I taken the stand, I think I would have been really challenged. I am not sure that I knew enough to take the stand, but I think if I went back today, I would take the stand.

MR. GAHAGAN: Mr. Chambers, you mentioned that you have been selling your grapes to the Shafers. I was wondering, what appellation of wines are they?

MR. CHAMBERS: I'm not sure. They are not in Stags Leap. They go into the Napa Valley blend. I never implied that. That was never mentioned.

MR. DRAKE: Anything else?

Mr. Chambers, thank you.

MR. ANDERSON: Can I make a comment?
I do have a Cabernet variety growing around my
vineyard. Mr. Chambers is incorrect.

MR. CHAMBERS: All I can do is go by my memory,
especially.

MR. KAYFETZ: I don't know whether to thank
Mr. Chambers. It's always hard to follow somebody who so
elegantly express things you were going to say yourself,
but I do have some comments that I would like to make on
this issue.

I will say that I am replacing Rob Sinskey today.
Rob was originally scheduled to represent the winery,
being the son of the owner, Robert Sinskey, and has since
resigned his position with us, leaving me as the sole,
full-time employee of the winery at this point. So
happily I come here today to address this issue because
it is obviously quite important to us.

I will also say that, although, I am just recently
involved in this particular area, I do have some
familiarization with the Stags Leap area as I have over
15 years of experience in the winery. I have purchased
and placed a lot of the wines from many of these wine
makers and wineries on various wine lists and sold them
in stores, so I do feel familiar with them on that level.

I have to say that I have had sort of a crash
course here in the last couple of weeks concerning this particular area of Napa Valley, and I'm rather fortunate to have that. I, too, don't profess to be an expert in any sense of the word concerning issues such as soil, topography, geography, geology, climate conditions, et cetera; but I do have a certain amount of common sense.

I have stood on our property and have had tasted wines from the surrounding areas, and I think that all adds a certain amount to the information base that I have. But listening to a lot of the other people speak today, I feel like the new kid on the block, so to speak.

Just to bring you into the information here, we acquired the property that is Sinskey Winery Vineyards in 1984, and we were granted a use permit to build a winery in February of 1987. We are located on Silverado Trail, 6320 Silverado Trial, Napa. We have so far excavated 6,000 square feet of caves which we will use for barrel aging, and construction of the winery began in October of this year, to be completed for the 1988 harvest.

Just a few comments about the property itself, because I believe that it is the piece of property where we will be planting grapes that will produce the grapes that would have the character of the Stags Leap area. As I said, it's located at 6320 Silverado Trail, which is right in this area. As you can see, there's a little
inlet off the road here.

The total acreage there is 11.4 acres and it generally slowly slopes back from the road a short distance and then there are some steep hillsides and the hillsides ring the actual winery side which creates sort of a bowl or natural amphitheater type of effect. The vineyards themselves will be planted in that area between the road and the winery building, and then on terraced areas that have been cut, surrounding the winery, would be the sides of the bowl.

I think one of the most important points that I can offer is what our consultant wine maker and vineyard manager have decided to plant in those vineyards. In March of 1988, we will be planting Cabernet Sauvignon and Merlot and perhaps a little bit of Cabernet Blanc.

These varieties were chosen by these two individuals with the owner because they feel they are exactly the right varietals, the best varietals to be planted in this particular area. Obviously they are the varietals that are bringing the most notoriety to Stags Leap as well. This decision was made on the basis of consultant wine maker, Joe Cafaro, expertise, along with the vineyard manager. They feel very soundly that this is definitely the best varieties for us to plant.

Some very brief comments, as far as the soil is
concerned. What little I have been able to ascertain so far here today, as Mr. Chambers pointed out, is that there is a great variety. Our soil is 105 and 155, if you look at the map that has been posted there, so we are consistent with other areas within the proposed boundaries of Stags Leap.

Obviously the topography is similar to many other pieces of property within the proposed boundaries, with the slightly sloping area and the steep, terraced hillsides. One of the key factors here seems to be as this issue of when, and while I can't really offer any hard scientific evidence, I certainly have stood on the property and felt the wind blow. The wind definitely blows from the south, and this is verified also by Joe Cafaro who tells me that it predominately blows from the south and the times that he's been there.

If you stand on the property and look down toward the Silverado Trail, you can see a natural channel. There's a channel with some hillsides on the right side on the west side of the road and also on the east; and it obviously makes very good common sense to me that the wind will be allowed to blow up through that; and it blows straight up, actually along Silverado Trail, into our property.

Other than that, I would just like to make quick
mention of the Napa Register article which was published on February 5th, 1987, written by Libby Lane from the Napa Register staff. Having used the newspaper for various reasons, as historical information throughout these hearings, I think it's notable to point out in that article, twice we are mentioned: once as "a new winery in the Stags Leap area" and, secondly, "in the world-famous Stags Leap area" and along with that, there is a map that lists us as one of the wineries in the Stags Leap District.

So if nothing else, certainly the local press considers that we are part of the Stags Leap area, a reflection of what they would perceive, I would think, as general public sentiment.

Questions?

MR. DRAKE: Thank you.

MR. FICARETTA: The boundary as proposed in the notice or the alternative boundary proposed by the petitioners would be completely excluded, or does that cut through?

MR. KAYFETZ: It's my understanding that both the currently proposed northern boundaries were excluded.

MR. DRAKE: Thank you.

Let's take a break.

(Recess taken.)
MR. DRAKE: If you have copies of your remarks, the reporter would be appreciative to have that before or after, if you can.

Joanne and Newell DePuy.

MR. ANDERSON: If I may, I am Stanley Anderson. I would like to read their letter to Mr. Drake for the record.

"December 1, 1987. Mr. William Drake,
Office of the Director, Bureau of Alcohol,
Tobacco and Firearms, United States
Department of the Treasury, Washington,
D.C. 20026.

"Dear Mr. Drake: Because of illness in my family, we have had to go to the East Coast and will be unable to attend the hearing for the Stags Leap Appellation on December 2, 1987, and to speak at our allotted time, 1:50 p.m. I have asked Dr. Anderson to submit this letter to you.

"In 1973, I started the first business in California that was devoted to taking wine consumers to tour wineries and taste the wines of California. See enclosed brochure." -- I assume she has that.

"In the years that I have escorted wine
consumers, many extremely knowledgeable, many
whose wine education was just beginning, I
have found that it benefits all consumers to
simplify. The average wine consumer had a
difficult time remembering the myriad of
details that go into producing our country's
finest wines. I try to make it easy for
consumers to understand geographical
boundaries when possible.

"I often take guests out on my deck" --
which is on the summit of this hill and is
an absolutely commanding view. I think
Mr. Ficaretta has had the pleasure of being
up there. "I often take guests out on my
deck and advise them that they are in the
Stags Leap area. I point to the craggy
bluffs and tell them the legend of how
Stags Leap got its name.

"I tell them about the fine wines of
Stags Leap Wine Cellars, S. Anderson,
Shafer, Pine Ridge, Clos du Val and Stags
Leap Winery.

"I advise guests that the boundaries are
the Yountville Cross Road, the Napa River,
Clos du Val and the craggy bluffs. This has
been my understanding of the Stags Leap region.

"To have the appellation boundary cut through our property and other property, dividing it into different appellations, does not make sense to my husband and me, especially when there is a definitive road that is a logical boundary.

"Therefore, my husband and I respectfully request that your committee draw the Stags Leap appellation northern boundary at the Yountville Cross Road. Thank you for your consideration. We regret that we were unable to be at the hearing.

"Sincerely, Joanne DePuy, President."

MR. DRAKE: Thank you, Mr. Anderson.

William Weeks.

MR. WEEKS: My name is Bill Weeks. I live on 1501 Yountville Cross Road about 250 yards to the west of the Silverado Trail. For the last 17 years, I have farmed an 8-1/2 acre of Cabernet vineyard. I now have another 1/2 acre of Merlot vines contiguous to that property.

In those years, I have sold grapes to a very representative segment of the most prestigious wineries in the Napa Valley. The main point I would like to make
at this time is that in 1978, several tons, possibly four tons of my grapes were sold to an organization in Berkeley, California called "Wine and the People." They advertised nationally to home wine makers. My grapes were resold to their customers as Stags Leap grapes, and they were completely resold at a very high price, I might add.

In the last 12 years, I have been doing contract farming work, and I have done work both north and south of the Yountville Cross Road. I think one of the most essential differences between the two areas is drainage. Today, the planted areas north of the Yountville Cross Road still drain very poorly.

There is one Cabernet vineyard on the west side of the Yountville Cross Road today that sometimes isn't cultivated until as late as early July. The rocky soils in that area as well as the hard adobe reflect the illuvial fan composition of the geology of the immediate area. It's very, very rocky. I've worked on two properties north of the cross road which had to have as much as 50 tons of rock removed per acre to make them subject to cultivation and planting with grapes.

I have also done work for the Stags Leap vineyards for Carl Doumani in planting vines and cultivating, spraying, et cetera; and I do feel that the soil types on
his property are almost identical to my own. I have absolutely no difficulty in applying the same techniques of cultivation in his properties, that I did my own.

However, the properties north of the cross road are quite different in that respect and much more difficult to cultivate and still have a very heavy overlay of rock in them. The rock is being picked constantly by the growers in that area.

The quality of the grapes from our immediate area I don't think is in dispute, but I would like to mention the fact that this year, 1987, two Stags Leap wineries called me and asked to buy some of my grapes, if I had any available. The shortage of Cabernet was, of course, due to the shatter caused by hot weather at some time in May. This was universal throughout most of the southern half of the Napa Valley, including most of the Stags Leap area. So we all shared the same disadvantages, as far as the shatter is concerned, at bloom time.

Generally speaking, I think that the Yountville Cross Road provides a very easily administered northern boundary for the proposed appellation and that any arbitrary line across hills doesn't really confront the realities of the soils, wind, drainage and the rest of it.

I don't feel there are excessive differences
between the Stags Leap center, Stags Leap properties and
the northern properties that's on the flat. The hillside
vineyards do have similarities; again, Chamber's example
and Mr. Shafer's, but my own property certainly has many
similarities to the Stags Leap Cellars vineyards.

  The property, in terms of drainage, et cetera, the
major difference would be in very minor wind patterns.
Those would be the only differences that could possibly
cause any possible difference in the quality of grapes.
It also seems that our harvest times coincide and have
for the last 15 years that I know of. Harvest times of
our vineyards, of course, have rarely been more than a
few days. It seems to be the general pattern of harvest
time for Cabernet grapes through the Stags Leap
appellation area.

  MR. DRAKE: Thank you, Mr. Weeks.

  You mentioned "Wine and the People" buying grapes
from you and marketing them as Stags Leap.

  MR. WEEKS: That's correct.

  MR. DRAKE: Stags Leap grapes was the basis.

  Why did they do that?

  MR. WEEKS: That is a picture of the man who ran
the company called "Wine and the People." He was a very
familiar buyer of grapes throughout the entire Napa
Valley, and the only Napa Valley grapes that I can recall
that he bought were grapes that he called "Rutherford Stags Leap." And then he had, also, Alexander Valley grapes for sale from Sonoma County. These are the only Cabernet grapes that he offered.

MR. DRAKE: Is there evidence of that somewhere?

MR. WEEKS: I am sure there is. I no longer have any evidence. He published a catalog which I sent out to his subscribers about 1978, but it was a long time ago, and I don't believe that there would be a copy anywhere.

MR. DRAKE: You also mentioned two Stags Leap wineries called you. Which two?

MR. WEEKS: Shafer and Pine Ridge.

MR. DRAKE: All right.

You mentioned "shatter." Did that occur outside of the proposed area, essentially?

MR. WEEKS: I think it was pretty common throughout Napa County. We had temperatures in May, of possibly four days running, of over 100 degrees.

MR. DRAKE: So that would have occurred regardless of where you were in the valley?

MR. WEEKS: Pretty much so, yes.

MR. LIBERTUCCI: I have a question.

Getting back to the four tons of grapes that you sold to Wine and the People. Did you sell these grapes to this group as grapes from the Stags Leap area?
MR. WEEKS: I did not represent them as Stags Leap grapes, no. It was their idea to sell them as Stags Leap grapes.

MR. LIBERTUCCI: So any invoicing would identify that?

MR. WEEKS: I have a copy of the invoice from which they paid me here. It does not refer to the origin of the grapes. The only way that you can probably deduce any inferences in how they sold the grapes would be through advertising, if we can find that.

MR. LIBERTUCCI: All right.

MR. DRAKE: Thank you, Mr. Weeks.

Dorothy and Benito Barboza.

MRS. BARBOZA: Before I start with what I came to say, there are a couple of comments that come to mind in regard to the Stags Leap name. It occurs to me that one aspect that has not been mentioned. There is no mention of it in the first presentation that you got from the community, but there were three major suits which certainly must have provided wonderful material for writers. That really is a way to get your name out.

They protested a little much. Just possibly marketing may be a factor in wanting a wine appellation. They protest it's all for the consumer. I am a consumer. I wouldn't mind having wine areas represented so that I
know what I am getting.

But just the same, there are a lot of big guns here today. I heard how much hourly this is costing everybody, and I might say that we are not spending any money we don't have to spend. I think it would be a pity if this appellation became a function of how much money there was.

Somewhere here I have a letter of which I will give from our neighbor, Margaret Thomas, who lives right across the road from us and who says:

"As a resident who has lived at the above address for 66 years, I wish to express my opinion about the proposed Stags Leap appellation. To me, Stags Leap has always meant Stags Leap Ranch and Resort, and I would not question an acclamation for that ranch alone.

"However, the proposed appellation was broadened to include the area south of Chimney Rock Golf Course and west of the Napa River. Then, I feel what does not make sense, to make the northern boundary an unseen line which cuts across hills and divides some people's properties.

"If the Stags Leap appellation is to be
ignored on just the historic Stags Leap
Ranch, then I feel the only logical northern
boundary to be on the Yountville Cross Road.
It would provide a definite recognizable
boundary. It has existed for many years,
and historically it has been the dividing
line between land grants."

I guess I should start out by saying my name is
Dorothy Barboza. My home, where my husband and I have
lived for over 30 years, is in our vineyard at 6341
Silverado Trail, Napa. We are just south of the
Yountville Cross Road, and we are two of the grape
growers who feel we should be included in the proposed
Stags Leap District Appellation. We can see the Stags
Leap cliffs from our vineyard, and we are closer to it
than are the vineyards on the southern end of the
proposed appellation.

Since I expect you will ask me if I don't tell
you, I will tell you our Pinot Noir and Chardonnay grapes
go to Inglenook, and I refer you to letters by ourselves
and by Inglenook's viticulturist, Charles Hossom, as to
quality and worthiness to be considered Stags Leap
quality and/or distinctiveness.

We have the prerequisite requirements of soil,
topography, climate, et cetera. And speaking of soil, I
would never dream of questioning the presentation of the geologist, but I do know one thing, that I can recognize in the photographs of soil; and I assure you that the soil on our vineyard looks a lot more like Joseph Phelps than the one across the road north of the Yountville Cross Road. There's no place I can think of that has rocks like that.

We have never had a chance to claim that our grapes are Stags Leap grapes. Since 1969, we have belonged to Allied Grape Growers, and they have a contract with Inglenook in 1991. In addition, this year we signed a contract with Inglenook directly for some of our new Chardonnay. Today, Inglenook prefers to have an "Estate Bottled" label and, I might add, they are very careful to comply with the regulation that all Allied vineyards are to be under their control.

However, at one time the wine maker they had then considered vineyard designations, until he left for another job. I understand that Inglenook has gone through three corporate transfers of ownership in the last fiscal year, so who knows what the future holds?

I feel we belong in the Stags Leap area, and we should have the opportunity to sell our grapes as Stags Leap grapes should the occasion arise. As growers we do not ring our own bell, so the general public has not
heard of us. We do not have access to press releases or
interviews by wine writers or to any of the hype which
goes with advertising wine, so we are at the mercy of the
winery.

The first I ever heard of a proposed Stags Leap
appellation was when Mrs. Shafer came to our house to ask
about what we knew of the history of Stags Leap Ranch and
her ranch, because they were thinking of trying to have
an appellation for their area. This did not seem
unreasonable to me, but when I heard years later that the
proposed appellation had been extended to below Chimney
Rock and over to the Napa River, I was truly astonished.

However, I can understand the premise upon which
an area is expanded while still keeping the name of a
local landmark. At the same time, I believe the
selection of boundaries should be logical, and it is not
logical to have a northern boundary defined by some
compass bearings on hills which are so small they don't
even show on the winery map put out by the Vintners' and
Grape Growers Association, and I'll show you this. [Exhibit]

(Mrs. Barboza indicates areas on map.)

You'll see there are some little hills here in
the Stags Leap area, but there are no hills shown across
from there. These compass bearings cannot be easily
identified by a consumer without reference to the
Yountville Cross Road. I strongly feel that the Yountville Cross Road is the only logical and reasonable northern boundary for the proposed Stags Leap District Appellation.

I feel I have known Napa County well since 1955, when I came here to be a Home Advisor for Napa County. As such, I was a non-resident faculty member of the University of California, Berkeley, and I worked over the whole area of Napa County. When the schools below St. Helena District were unified, I was elected to the Napa Valley Unified School District Board of Trustees and served for over 11 years.

My husband has been a grape grower for 40 years, and we have been grape growers together for over 30 years. I am the more talkative member of our partnership, so my husband has written a statement.

Where is it, Benny?

This is Ben Barboza.

MR. BARBOZA: I'm Ben Barboza, and I live at 6341 Silverado Trail. I have retired from the Veterans' Home, a fine institution. I worked there for 34 years. At that time, part of my duty was to take the rainfall, water temperatures for the weather station we have here for the Department of Water Resources.

In 1947, I purchased 20 acres at 6341 Silverado
Trail, Napa, between the Yount Cross Road -- and I always refer to our area as "Yount," not "Yountville" -- and the Stags Leap entrance.

In 1964, the Napa area had what is called a "killing frost." In the fall of that year, I installed a wind machine. Since that time, I have lost many nights of sleep during the spring, getting up every night or early morning whenever the temperature dropped to 34 degrees and staying up until sunrise.

Upon reading the report from the Krick Group on the Unique Microclimate of Stags Leap, I feel that their report is not complete. I question "a site visit to Stags Leap and surrounding areas." I can't see how anyone can make an on-site inspection in one visit and know all there is to know about that particular area or any county, for that matter, as being sufficient to make judgment of the total weather picture.

In the explanation defining the microclimate of Stags Leap and the location of the proposed Stags Leap District, there is apparently only one wind direction which is mentioned, that which comes from the San Pablo Bay.

I would like to point out that there are four wind directions: north, south, east and west; and that these winds affect not only my vineyard, but also the vineyards
within the proposed Stags Leap area and the microclimate in more than just one wind direction.

The north wind comes over Rector. This is in our area. During the spring and summer, the north wind blows two to three days at a time, blowing day and night, and it is very hot and dry. In the fall and winter, it is generally cold. Coming down from the snow-covered mountains, the wind can ice the ground, especially on the east side of the hills, resulting in what the locals call a "black frost." It's nothing but ice. You can't see it. It's just regular ice.

On the south wind coming from San Pablo Bay, it blows through the two notches between DePuy's and Anderson's hills and between Anderson's and Simonson's hills. It brings cool air, fog and rain, but no frost.

The east wind, Stags Leap cliffs; the east wind does not blow often. When it does, it is cold, sometimes with hail and frost or with heavy rain for a short period of time. In the spring, it can be a killer. The east wind blows right over Stags Leap cliffs and between the Shafer and Ilsley properties. It can be very cold.

The west winds come over Mt. St. John. The west wind is almost always cool or cold and frosty, with rain heavy at times. There can be hail in the winter and spring. The frost in the spring is generally caused by
the cold, west wind that dies down at night or in the early morning. As long as there is a good breeze or variable wind or light cloud cover, there is no real dange of frost.

A good indicator that there may be a frost in the morning is the fact that a west wind is blowing in the evening during the spring season. The frost warning reports on the phone and radio are very helpful, but they are only a guide. It's like the weather reporter. It may or may not rain, so take your raincoat or you may be sorry.

I would like to say that I do believe that the microclimate bit can be overdone. I prefer to give a little more credit to our new technology and the expertise of our new wineries and wine makers and advertisement.

I would like to point out that the frosty weather affects all of us in this area. In the Stags Leap Ranch and in the prospective Stags Leap District, there are wind machines and overhead sprinkling systems for frost protection. They have frost at the Stags Leap Ranch and in the proposed Stags Leap District, and we have frost on the Silverado Trail where I live. I have seen the north end of Stags Leap Vineyard burned badly by frost when their wind machine failed to start. They had one on the
north end of the property that failed one night.

I have spent many days at Stags Leap Ranch during
the 20 plus years my brother was a foreman at Stags Leap.
We hunted together at Stags Leap and we visited very
frequently. We field-tested our grapes for maturity, and
there was no great difference in the same varieties. We
could never use the same picking crew because we were
always picking at the same time.

There are other factors that determine when grapes
mature. These are only a few: virus-free rootstock and
type of rootstock, selection of clone, variety of grape,
watering practices, cultivation, leaf removal, types of
and number of canes and head and stump suckering and,
also, types of pruning; cane pruning or cordon or head
pruning.

The final say belongs to the winery and wine
makers who decide at what Brix, acid and pH they want the
grapes. That can delay or advance the picking a week or
more from vineyard to vineyard. With all this and more
to worry about, Mother Nature can still have a greater
say as to when we pick.

Over the 40 years I have been growing grapes at
6341 Silverado Trail, I have never noticed that the
weather seems to stop at the little hills which
Mr. Shafer and his committee feel make such a splendid
boundary.

The natural winds blow from four directions or combination of directions, variable winds. Mother Nature didn't drop all the goodies just in one spot. There are goodies to be found all over Napa Valley.

I believe my vineyard and the land of my neighbors south of the Yount Cross Road should be included in the proposed Stags Leap District Appellation. If it is not, then I do believe they should go back to the original Stags Leap Ranch area and the Parker Ranch east of the Silverado Trail.

P.S. In regard to the presentation about the rocks in Rector, I would like to point out that there is a miniature Rector Creek at the north end of Stags Leap that discharges into the Napa River. It has a large drainage area and when it rains, you can see the waterfalls from the west side of the Napa Valley. When they replanted the east side of the vineyard, there were many rocks of all sizes up to 100 pounds or more.

Some of the piles of rocks may still be there. I suggest that your panel look at the rocks in Stags Leap Ranch and check the creek. It may prove to be very informational.

MRS. BARBOZA: Where was I? I was over here, where I said I was more talkative.
I have never considered myself to be part of Yountville although, of course, we all have ties to both Yountville and Napa. I think of myself as being part of the community in our area of rural Napa County.

The committee makes a great point of identifying most of the property owners in Mr. Anderson's petition as living along the Yountville Cross Road. This is not accurate. As a matter of fact, Missimers, DePuys, Andersons and Weeks live on the Yountville Cross Road. Chambers, Sinskey Wineries and Simonsons are all on the Silverado Trail.

Let me address the two points which seem to concern the committee the most: **post office services and water from the Yountville Water District.**

While it is true that the mail for the four property owners on the Yountville Cross Road now comes from the Yountville Post Office, although actually Missimers do not have mail delivered there, and that these now have a Yountville address. The four properties along the Silverado Trail have had, now have and will continue to have a Napa address with mail coming from the Napa Post Office, as does the mail for the wineries and growers in the committee's petition.

If a Yountville address is really significant, then please note that the address of one grower included
in the committee's appellation request, Elmer Freethy, is listed in the phone book as "1467 Yountville Cross Road." This would now be served by the Yountville Post Office.

Please also note that the Pine Ridge Winery labels before 1986 showed "Yountville, California" as the address, even those listed as "Stags Leap Cuvee." This was reportedly changed to "Napa," at your agency's request, which does not change the fact that the winery originally considered itself allied with Yountville.

Note, also, that Pine Ridge Winery still has a Yountville post office box. Here are the labels. I think you have copies of those in the presentation.

MR. DRAKE: I certainly do.

MRS. BARBOZA: The phone book also shows Yountville in listing the addresses of the following people, all of whom are included in the committee's petition: F.S. Foote, Shafer Vineyard and Robert Egan.

Additionally, the Robert Egan property at 6236 Silverado Trail was advertised in 1978 by Moller & Company as "Napa Valley Home & Vineyard, Yountville area." Here is the real estate information for that.

The committee also feels that the relationship to Yountville Municipal Water District is significant. As a point in fact, there is no Yountville municipal water district. Yountville has, according to Robert Myers, the
town administrator, a municipal water system which has a contract for up to 325 acre/feet of water from Rector Reservoir, which is owned by the State and another contract for up to 500 acre/feet per year of North Bay Aqueduct water if it is needed. If it is, then the City of Napa treats the water. So they have here a water supply and not a treatment supply.

It is true that Mr. Anderson receives domestic water from the Yountville; however, neither he nor anyone else is receiving agricultural water from the Yountville, and all of us in both petition areas get our agricultural water from wells or from the Napa River for some of them.

The fact that some homes along the Silverado Trail mostly north of the Yountville Cross Road and the Yountville Cross Road receive domestic water from Yountville came about as an accident of history when the State of California built Rector Dam as a water supply for the Veterans' Home right here, and a pipeline was laid and later relocated with a larger line.

If you feel that the history of this water service is pertinent, I could furnish a more complete explanation. I would be glad to send it to you.

Of more current interest is the contract between the town of Yountville and Chimney Rock Golf Course, which is to be a winery and which is included in your
committee's proposed district. According to Robert Myers, Administrator for Yountville, Chimney Rock has had a contract as of 1979 and has agreed as of 1987 and for ten years thereafter to accept up to 400,000 gallons per day of effluent to water their golf course under a permit by the Regional Water Quality Control Board. After the 10-year expiration date, the contract can be cancelled with a 3-year notice.

If the amount of water coming from Yountville is significant, then I would suggest that the amount of waste water greatly overshadows the amount of domestic water furnished.

There are other ways completely overlooked by the committee in which all of us share ties with both Yountville and Napa and historically with the Yount School District.

The oldest map that I have seen for Yount District was on a wall in the Napa County Historical Society, and that was dated, I believe, in the late 1890's. I couldn't get a hold of that, so I went to the Assessor's Office and their oldest map corresponds to the written description of school districts dated 1913.

Here it is.

(Mrs. Barboza indicates areas on map.) They have Yount District on Number 7 and
Yountville District on Number 8. This is Yount District
Here is the cross road. Here is the Silverado Trail.
Here is the Napa River and, as you can see, we're all
included in the Yount School District.

This was later divided and for a time all of the
proposed Stags Leap District Appellation Area, including
that by the Yountville Cross Road, was included in the
Yountville Union Elementary School District. When the
Napa Valley Unified School District was formed, the
Yountville attendance area still included and does now
include all of the proposed areas covered by both
petitions.

I have outlined in blue the Napa Valley Unified
School District, which goes up just north of the
Yountville and on the Silverado Trail that goes up to
about the State Game Farm, and in pink is the Yountville
attendance area which goes up here and Yountville over
here to the State Game Farm all the way down to the
Silverado Trail to the cross road. So all of this is in
the area of the schools.

This is a (1983) statement by the Principal of
Yountville, that he understands the northern boundary
attendance area is the Yountville Cross Road and the
Silverado Trail and the southern boundary is Oak Knoll
Avenue.
So I didn't know if you'd rather have this
attached to that other map. That first part is with the
old map.

(Telephones:) Both Yountville and Napa numbers are
listed for people in the areas under consideration.
According to Pacific Bell, it is quite expensive to have
a Yountville phone in the baseline area for Napa and vice
versa in the Yountville area. When one lives in rural
Napa County, one pays by the 1/4 mile from the baseline
boundary of either area and, thus, we all have the option
of either a Yountville or Napa phone, depending on how
much we care to pay.

I myself chose a Yountville phone, both because it
was less expensive and because one can phone toll-free to
both Napa and St. Helena.

Here is a list from the 1987 Napa County phone
book giving names, addresses and phone numbers of some of
the people included in both petitions. Not everyone is
listed in the phone book, and it's not complete, but it
is very representative. It includes both Napa and
Yountville numbers.

(Chamber of Commerce:) In Yountville, the members
of the Yountville Chamber of Commerce, per the attached
brochure, lists S. Anderson Vineyard, Shafer Vineyards,
Silverado Vineyards and Robert Mondavi. I have outlined
those in pink.

I made a phone call to the Napa Chamber of Commerce. They said that Clos du Val, Shafer and Stags Leap and Silverado belong to the Napa Chamber of Commerce. Then I have here something which is called "Yountville, Oakville and Rutherford in the Napa Valley," and we have listed, S. Anderson Vineyards, Clos du Val Wine Company and Shafer Vineyards.

This is a little brochure they had for a wine tasting put on by the Chamber of Commerce. These are the same as Yountville.

911 Services: If there is a fire, according to the Forestry Department in St. Helena, they dispatch the equipment thus: If it is an auto accident and if it's closer to Yountville, they send Yountville and Rutherford equipment. If it's a fire south of Yountville Cross Road, they will send Yountville and Napa equipment plus volunteers, the number depending on the incident. If it's north of the Yountville Cross Road, they send Yountville and Rutherford equipment.

As for the sheriff, the ambulance and the highway patrol, we all get the same service.

Napa County road maintenance: The Yountville road maintenance crew takes care of the roads in both the petition areas. They go from Oak Knoll Avenue up to
Highway 128 and across the Yountville Cross Road to the Yountville town limits.

Elections: All of both petition areas are included in two voting precincts. Those living on the west side of the Silverado Trail are in Precinct 311052, and those living on the east side of Silverado Trail are in Precinct 311051; and those two precincts go to the hills. Both precincts vote in the same place.

In the past, the voting place has been Soda Canyon School. Last time it was Chimney Rock Golf Course. A place is still being sought for the next election, but wherever it is, the elections office expects both precincts will be voting there.

I hope I have laid to rest the idea that we in Mr. Anderson's petition area are somehow more allied to Yountville than are those in the Stags Leap Appellation Committee's petition area. Whatever you may call the boat we are in, we are all in the same boat together.

Having said all that, I am reminded of when my son used to say, "So what, Mom?" All of what I have said has little to do with the northern boundary of the proposed Stags Leap District Appellation. It brings to mind the story I read about Fred Allen who said on the radio that he was convinced that CBS had a special vice-president in charge of making mountains out of molehills. They were
allowed a whole day, but a clever mountain maker could be finished by lunch time.

I am convinced that somewhere on the Stags Leap Appellation Committee there is a truly talented mountain maker who could be finished in time for the morning coffee break.

In conclusion, I would like to say that in the past, one of the great aspects of living in my part of rural Napa County was the sense of community and the friendliness of our neighbors and the knowledge that we were all willing to help each other if the need arose. I think we will lose something very precious if those feelings disappear. I hope that when this appellation is settled, we can go back to being friendly neighbors on the Silverado Trail and the Yountville Cross Road.

Thank you.

MR. DRAKE: Thank you.

I am not sure if I should ask you or your husband, but as long as you are there, I will ask you.

He mentioned a creek that came down and went into the Napa River. Can you show me where that creek is.

MRS. BARBOZA: Come on up, Benny. Does this show it? I think it's easier to find over here, I think. See if you can find where Stags Leap is.

MR. BARBOZA: At the end of Stags Leap, the canyon
instead of going out, like they said yesterday that the wind would make a right-angle turn. Right between Mr. Shafer's property and Stags Leap there is a canyon that goes straight on up. It's a gradual slope that's heavily wooded.

MR. DRAKE: Is that south of Shafer or to the north of Shafer?

MR. BARBOZA: South; and it's heavily wooded. That's where the waterfalls end up from the rock cliffs, and there is a tremendous volume of water that goes through there. It goes through there; it goes behind the Tommy Parker place and comes down there by Winiarski's; then from Winiarski's it goes across Mondavi's vineyard and into the river.

(Mr. Barboza indicates areas on map.)

MR. DRAKE: Thank you.

Mr. Ficareta.

MR. FICARETTA: I have two questions.

In one of the second comments you received by Mr. Amisella, his property, I believe, is adjacent to yours; and his comment was that he has basically always been known as or considers himself as being Alta, but not Stags Leap. He has sent in another commentary. Unfortunately, I have not been able to get to the table to gather the originals, but what is your reaction to
MRS. BARBOZA: Number one, Mr. Amizetta lives in St. Helena. He doesn't live around here. Number two, if I had Chenin Blanc to sell, it wasn't in terribly great demand and I had a contract with the winery that told me I had Yountville wine that was on the label, I'd say, "Yes, sir."

MR. FICARETTA: The other question I had, you mentioned about the weather stations. I have been listening over the past two days. I'm not quite sure if I understand what it does or what it doesn't do. Does it register wind?

MRS. BARBOZA: Do you mean here or at the home?

MR. FICARETTA: I thought you said that the weather station did not register wind patterns and speeds and velocities.

MRS. BARBOZA: Just the rainfall and temperature.

MR. FICARETTA: So when somebody made a comment earlier today, it was a shame we didn't have them set up. We could monitor the --

MRS. BARBOZA: When I came to work here, that was part of my duties. I worked in the maintenance department, and I used to take water samples and temperatures and send them into the Department of Water Resources. It's an official station. I also reported to
the Napa Register every morning.

MR. FICARETT: Thank you.

MR. GAHAGAN: In your letter to our office in Washington dated March 1987, you state at the bottom of page 1, "In the '60's, the University of California distributed data entitled, 'Grape Classification by total solids and total acidity,' which wineries could use to help determine grape growing regions and kinds of grapes grown within each region described below on the map, with Yountville Cross Road as a boundary between regions one and region two."

MRS. BARBOZA: I noticed when I was sketching the first submission by Mr. Shafer's exhibit, I believe they have a map of that and a little more on the data.

MR. GAHAGAN: You said that you have a map?

MRS. BARBOZA: I think in the first presentation about Mr. Shafer's exhibit.

MR. GAHAGAN: Part of their original petition?

MRS. BARBOZA: Yes. Mr. Litters (phonetic) will re-enforce that because he was Farm Advisor at the time.

MR. GAHAGAN: Thank you.

MR. DRAKE: Anything else?

MRS. BARBOZA: Would you like this map?

/ / / / / / / / /
MR. DRAKE: Mr. Hillman.

MR. HILLMAN: Yes.

MR. DRAKE: You're on.

MR. HILLMAN: Thank you.

I'm Kendall Hillman. I represent S. Anderson Vineyard in this matter. I want to start with the disclaimer. You are soon to find out why I am not a litigator. I am a business attorney.

Fortunately I have been brought into this. I have thoroughly enjoyed working with the Andersons and their neighbors collecting data, writing about this and meeting with people you have already heard from earlier today discuss Stags Leap. I'm sure you'll have to agree that they are quality people on both sides, sincere, straightforward and they supplied some very useful information.

Unfortunately, I have been here the last two days, and I haven't seen my secretary to finish the outline of what I wanted to say.

Mr. Mendelson began by describing the primary criteria that must be established before a viticultural area will be accepted by ATF. Section 4.25a will be outlined in the procedures for proposing an American viticultural area. As you well know, those are the historical and current evidence of the boundaries of the
viticultural areas.

Evidence related to the geographical characteristics, evidence that the proposed name is locally or nationally known, and then a description of the specific boundaries of the viticultural area based on features which can be identified on the USGS maps like this.

Much had been made yesterday of the name "Stags Leap," what it corresponds to and what boundaries are delineated by the area referred to as "Stags Leap." You have heard today from John Anderson, Mr. Stan Anderson and others, specifically, the representative from Sinskey Winery, that there is a fact of recognition of Stags Leap to include their area; so it's not 2100 items, as we heard from Mr. Anderson yesterday and, unfortunately, I think I deserve credit or blame for that large part.

When the Andersons first came to our office and asked us to help them to become included in Stags Leap District, our office and myself in particular were a little green as to how to go about this. Unlike Mr. Mendelson who will be speaking a little later, we don't have the experience in the viticultural areas. We don't have experience in the ranks of the ATF, but we gave it the best efforts we could.

Soon after I first spoke with the Andersons, they
asked myself and the partner in our office if they should start generating name recognition, start putting things on their labels and their advertisements, et cetera. My thoughts and those of the partner was that, number one, it's clearly, if you use it on the label, against ATF directives. Number two, the history is that's something that is likely to result in litigation, which I never recommend to a client.

So in fact, there is not a stack of paper, not that the Andersons haven't always since the first moment they've spoken with me considered themselves Stags Leap, not that their neighbors since the first moment I've met them always considered themselves Stags Leap. There's never been a doubt. There's never been confusion; however, they all have responsibly not represented themselves as a part of a viticultural area that did not exist.

As to the criteria for the establishment of the viticultural area, I would like to take them one by one and both refute some of the evidence that has been presented yesterday and show how the members of essentially the small group or committee that is made up of the Andersons and their neighbors have established those criteria, have met the criteria and, therefore, should be considered a part of that Stags Leap.
viticultural area.

In spite of Mr. Stuart's contention yesterday that the Stags Leap District had a definitive boundary from the early 1980's, it was demonstrated by John Anderson earlier today that through at least 1985 there was disagreement among the petitioners themselves as to the boundaries of the proposed viticultural area.

You will remember that Mr. Anderson cited an article in the Wine Spectator where numerous quotes from the petitioners were inconsistent as to what is and what is not Stags Leap.

Specifically, it wasn't until June of '86 when Silverado filed its second amendment to the original petition that the Silverado properties and additional properties to the Mondavi's were included in this "already defined area." That's my understanding of the early 1980's.

I want to preface some of what I have to say in that when I began collecting material, my best guide was the petition itself because, as I have said before, I wasn't terribly familiar with what it takes to become a viticultural area. So a lot of material that we used as a basis for the establishment of this, our boundary, came straight from the petition that was filed by the appellation committee. Some particularly interesting
aspects of that petition I would like to point out to you at this time.

Anthony Dias Blue, a highly respected wine commentator, wrote an article that is included in the original petition of the Stags Leap Committee, and I think you have a copy of that before you attached to my outline, that "The Stags Leap District is located a mile from Oakville on the east side of the valley." Now this as I've already explained was contained in the appellation committee's petition.

(Mr. Hillman indicates areas on map.)

Oakville, if you don't know, Yountville Cross Road is here. Oakville is this location. The scale being about a mile, not only are the Andersons included in such a description, significant vineyards that have been excluded by both the Andersons and the appellation committee were included in such a description.

Also, as Mr. Stuart pointed out in the hearing yesterday, Richard Paul Hinkle, another highly respected wine commentator, described what he believed to be the boundaries of the Stags Leap District in an article that appeared in Vintage Magazine in September of 1981.

As it was clearly pointed out yesterday, those boundaries included the extension of the Yountville Cross Road which is essentially what is being proposed by
Mr. Anderson and his neighbors. But it also included only
the properties on the east side of the Silverado Tráil,
once again, including some of the Andersons neighbors,
but excluding large portions of the appellation
committee.

Again, this appeared as an exhibit to the petition
itself. If the petitioners had such a clearly defined
boundary, then I would expect that this would not have
been included and would, in fact, be specifically
excluded.

Harvey Steiman, another respected wine
commentator, also wrote an article that was also included
in this original petition. This one is dated March 9,
1983, and appeared in the San Francisco Examiner.

Mr. Steiman wrote:

"Another district that produces
remarkable Cabernet Sauvignon is Stags
Leap on the east side of the valley,
stretching along the lower slopes of the
Mayacamas Range south of Oakville."

Another reference to "Oakville." Mr. Blue, Mr. Steiman
and Mr. Hinkle have all disagreed as to what is
nationally known as "Stags Leap" and locally known as
"Stags Leap"; but in fact, each one of them have
included, at least in part, Mr. Steiman and Mr. Blue,
totally the Andersons and their neighbors.

The Napa Register, as I pointed out before, is essentially the local newspaper of this valley. It's a daily newspaper published out of the City of Napa. It's Appellation Magazine has been cited to on numerous occasions both today and yesterday. We've had extensive discussions concerning attraction, the method for including what viticultural area you are to be part of, et cetera.

In February 5 of 1987, which was after the Andersons approached me, and I assure you there was no effort made by the Andersons, myself or anybody else connected with the Andersons efforts to generate this press.

In the February 5, 1987 issue of the Napa Register, the newspaper published a map of which appears on that opposite wall. That map specifically includes S. Anderson Vineyard and Sinskey Winery as part of the Stags Leap area. The map is clearly labeled as the "Stags Leap Area."

Dr. Anderson's properties and Sinskey Winery are clearly included. That is, I would think, clear evidence of a local recognition of the Andersons as a part of Stags Leap. Also, the article specifically states, as pointed out before, that the new winery in the Stags Leap
area has been approved by the Napa County Planning
Commission and that winery being Sinskey Winery.

A later reference in that same article refers to
the Sinskey Winery "in the world-famous Stags Leap area."
So the map and the article both clearly and equivocally
includes the Sinskey Winery in the Stags Leap area.
Clearly the proposed Stags Leap District is locally and
nationally known. Also, it's clear that as recently as
February of '87, the boundaries were in a flux and also
included the Andersons and their neighbors.

As I explained earlier, approximately at that
time, I specifically recommended to the Andersons not to
start generating press. Possibly, I hope not, I had a
misunderstanding of what the criteria of the
establishment of the viticultural area were. I didn't
believe its self-serving press was part of the evidence.

I'm confident that the Andersons have put their
machine to work, so to speak, and as Dr. Chambers has
already explained, if he had posted a sign in front of
his house, then we could have possibly started to
generate that pile of paper that was presented to you
yesterday. Unfortunately, that wasn't done, and my only__
__hope is that efficient marketing does not become criteria
for the establishment of the viticultural areas now or in
the future.

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Also, much has been made of the fact that Mr. Anderson uses the Yajome land grant as a northern boundary to the Stags Leap area and that certain land grant is less than an ideal boundary, to be generous. Mr. Mendelson and Mr. Andrus specifically seemed particularly offended. However, I think it is important to remind the ATF, as well as the appellation committee and the other people present, that the Yajome land grant as a boundary was not the invention of Mr. Anderson.

In fact, the proposed appellation committee first suggested the Yajome land grant as a boundary. As Mr. Anderson writes in his comment, "There is a remarkable correspondence between the boundaries of the northern portion of the Yajome Rancho and the boundaries of the Stags Leap District as proposed."

The appellation committee in its second amendment was fully in agreement. In their second amendment they wrote that, and I paraphrase, "1900 acres of the Yajome Rancho closely corresponds to the Stags Leap District." That appears as Exhibit E, attached to my presentation; and I assure you it's also in the second amendment to the appellation committee's submission.

Further comment as to history, Mr. Heintz described a close-knit viticultural district that existed in the 19th century as a Yountville district somehow
segregated from the rest of what is now to be considered
in the minds of the committee "Stags Leap."

In the appellation committee's petition to the
ATF, however, many of these same landowners that were
cited by Mr. Heintz yesterday were referred to as
evidence that "substantially all of the newly added
acreage (the acreage added by the second amendment to the
petition) within the Stags Leap District viticultural
area was actively involved in grape growing and wine
making at the very beginning of viticulture in Napa
County."

That is a direct quote from the submission by the
appellation committee, and if you will refer to
Mr. Heintz' letter and the appellation committee's
submission, you will see that those names are remarkably
correspondent to the names that Mr. Heintz referred to
yesterday as "Yountville viticulturists."

Another exercise I would like to walk us through
here, yesterday I listened to Mr. Heintz with great
interest. When he described the seven subdistricts that
were established in the Yountville area, and one of them
being Mr. Grigsby's who, he extrapolates, corresponds
very closely with the proposed Stags Leap area as
proposed by the appellation committee.

When I first read this in approximately June of
last year, I immediately wrote, through Mr. Anderson, to the ATF to explain that I felt Mr. Grigsby, who "filed a Parker report on the vines in his district," was very ambiguous and far from establishing any kind of distinct or understandable boundaries.

That quote is directly from a Napa Register article that Mr. Heintz referred to yesterday and that was referred to in Mr. Heintz letter dated -- I have it before me -- dated May 21 of '87 and, again, described in the letter from the Andersons in late June of '87.

What I would like to do with the Yountville quadrangle here is essentially mark off, in our minds, the other six of the seven districts that are more clearly defined and see what we have left and see if that truly corresponds with the appellation committee's proposed viticultural boundaries.

The first area referred to was Mr. McClure's subdistrict west of the Napa River and south of Sonoma Road, the Napa River being approximately here, widening down here. Sonoma Road in this area. This essentially closely corresponds with.

(Mr. Hillman indicates areas on map.)

The second subdistrict was east of the Napa River, extending from the asylum, which is the State Hospital, to Soda Springs. State Hospital is located here. We are
on the east side of the river up to approximately Soda Canyon; this general area east of the river, also not Stags Leap; Stags Leap beginning, as proposed by the committee, approximately here south of Stags Leap, west of the river.

The next subdistrict was Leonard Coakes. His area was the main valley to south of Yountville to the Napa City. The main valley would be between these two ranges. The Yountville being approximately here south of the City of Napa in this area, possibly encompassing the lower portion of the viticultural area as proposed by the committee in the boundary agreed to by Mr. Anderson, which is clearly south and in the main part of the valley on this map approximately here, continuing to the City of Napa. So already we possibly exclude part of Stags Leap District.

The next reference is to Browns Valley, Mr. Nee. Browns Valley is this general area, not included in the Stags Leap District, seldom even touched the northern portion of the Stags Leap District.

The sixth, Wild Horse Valley to Sonoma County. That's essentially off the map. Excuse me, that was the fifth, not the sixth. The sixth was Mr. Grigsby, so we'll have to skip Mr. Grigsby and go to the seventh, which is Redwood Napa Mt. Veeder, Mt. Veeder being
approximately here, Napa Redwoods in this area.

So you see what we have left is a huge area that
fully includes Mr. Anderson and his neighbors, unlike
Mr. Heintz' extrapolation, having no significance
whatsoever to those two knolls and, most likely, not
including the southern portion of the appellation.

Now I have to admit that I think it's been
stressed by numerous people that Stags Leap historically
was just a ranch located back in this area.

Other than that, as Mr. Winiarski has quoted in
the Wine Spectator, "The history began with the Paris
wine tasting." Historically, I think too much has been
made of the Yountville community and, I guess, the Stags
Leap community, though it's never referred to as
anything but Napa, even by Mr. Heintz.

Through this is the Yountville Cross Road.
Mr. Yount's plantings were above the cross road, and if
we are going to correspond things, Yountville to Yount,
maybe above the cross road is a good boundary. That's
purely speculation. My point is history is less
imperfect in this situation. There is a significant
historical boundary as pointed out by Silverado and
ourselves, Mr. Anderson and his neighbors.

Other than that, the history of Stags Leap is
generally a few buildings and a resort that is slightly
less than 100 years old.

Mr. Dulinsky has spoken about this area being historically not planted, and I know that's been a concern. Mr. Dulinsky has personal knowledge after speaking with people in that area. At least a significant portion of time it was a marsh. True, it may not have been a marsh in the 1890's.

Mr. Dulinsky has spoken with me on numerous occasions and has explained to me, and he explained briefly to you, that there were numerous springs, creeks and other waterfalls in that area; and they have all shifted; not like the Napa River has shifted and ran over this area, as Professor Elliot-Fisk described, but shifted all the same. Just because it was possibly planted in the 1890's does not mean that area was not a marsh and does not continue to this day to have problems with water drainage.

So historically, I guess, the ultimate comment is: There is some, it's not perfect. Whatever it is, the Andersons and their neighbors are part of it, as described by Mr. Dulinsky and Mr. Barboza, who have been intimately involved with this area for 30, 40 or more years.

We have addressed the fact that there is current and historical evidence of the boundaries: the Napa
Register article and the discussion of the limited history. So the northern boundary proposed by the Andersons are at least as good historically as anything that's gone before it. The boundary that cuts this area off altogether, the boundary that is jagged across here and this boundary, at least, if not more so, has historical significance -- at least.

We now go to what is probably the crux of this matter: the climate, soil, elevation, physical features, essentially, the geography. Unfortunately, I have a grand total of approximately 16 units at UCLA studying geography. I'm far from qualified to make any observations other than what I think is obvious.

What I think is obvious, number one, is to point out earlier there are whole silt lower soils on both sides of the river, particularly in this area. You will see the chartreuse green on that map, clearly on both sides of the river.

Also, the aqua, which I am not certain as to the description, is clearly on both sides of the river which is in opposition to the statements made yesterday, "The reason the river is a good boundary is because it separates soil types." It's not true; you can see it.

Also, there is climate discussion. The climate is centered on the wind flow. Wind flow comes through this
funnel, block at these two knolls, turning directly into
the valley, if I recall; and I am certain this is
correct. Mr. Schukraft's map, taking another direct
right-angle turn here. That one I didn't understand.
I'd like Mr. Schukraft to clarify that. There is nothing
here, unless I guess this current picks up.

So we have two right-angle turns. We are looking
at a topographical map, and we have to trust him on this
if you don't have one before you. But this area here
opening to this funnel and the area on this side of the
hill and the crop of these hills and on this side of this
knoll are within 20 feet, the same elevation.

The air has been building; this elevation is
slowing growing. It gets to this point. It's at or near
the elevation lengths of this area, this area and this
area; yet it's blocked completely from continuing in that
direction. That point has been belabored many times, so
I'll quit there. I think it's obvious that that can't
happen. I think it's obvious, as Mr. Anderson explained.

What, in fact, happens is through this gap, as the
representative from Sinskey Winery testified to; through
this gap, as Mr. Ficaretta testified; through this gap,
as Mr. Missimer has testified, there is a strong wind.

There is no right-angle turn.

The best barometer of that that has been offered
by anybody is the topography of Dr. Chambers. Look at those vines. It's clear that something is influencing them to grow in the direction they grow, something that doesn't exist in the areas of here and here.

Mr. Egan yesterday testified that the difference between his property in this area and his property in this area is that the wind doesn't blow up here. What Mr. Egan's talking about is the fact that as it goes through these gaps, it accelerates, then it opens and dissipates.

So quite possibly as it opens into the valley, the acceleration is decreased. What could quite likely be happening, though, this isn't quite the exact point, but at or near that cross road, the wind level once again dissipates and is no longer affected by this funnel, these gaps, the venturi effect throughout.

Something that I think is important to point out at this point, is the climatic studies offered by Mr. Schukraft. I quote from the second amendment to Stags Leap petition.

"Air entering the southern end of the district will be accelerated as it passes through the narrow gap in the hills along the Silverado Trail."

Possibly here, more likely here, from his
discussion, the way I read that description.

"This increase in air flow through the
gaps will also be experienced in the northern
portion of the area before fanning out and
weakening in the center of the Napa Valley
and rushing to the river."

So by his logic, it goes through here, fans out
and weakens; and that's why this area is not part of
Stags Leap.

Apply that same logic to the fact that we now know
that this wind has to blow in this direction. We have
people who have experienced it; we have grapes that grow
showing it. It dissipates here and then it would
dissipate here, by Mr. Schukraft's own logic, after it
passes through those gaps. So now we have a climatic
boundary across here. It opens up through the valley
after going through these gaps and dissipates, as Mr.
Egan has himself testified.

It's also important, and I know that you have all
noticed this. There has been no discussion south of the
funnel, west of the mountains, in regards to climate or
geography. We're talking about a river flow that was at
250 feet and supposedly missed these 300 foot hills. I
don't know a thing about it. I don't understand it. I
guess there could have been an upheaval that shrunk these
hills or raised this land or something.

Now there is a river basin here. That's why we
gеographically relate there's a Stags Leap. This is a
riverbed. Why is this Stags Leap? Why is this Stags
Leap?

Mr. Mendelson began our discussions by saying
what's important is a cultural distinctiveness. That's
why S. Anderson Vineyard and his neighbors have to be
excluded. Why? I don't understand.

Why is this boundary viticulturally distinct,
which is no more than a drainage creek? This boundary is
culturally distinct. Soils and climate are the same on
both sides. This boundary is viticulturally distinct,
maybe if you don't plant grapes above 400 feet. But this
boundary has no significance; it's not distinctive.

The same arguments that had to apply to this
boundary work equally, if not more so, to these others.
If the cultural distinctiveness was the sole criteria,
all that mattered was that all of the grapes be the same
distinctiveness, then Stags Leap might be this area.
Other than that, we have to admit that there are
similarities, but it is not a true, hard line
distinctiveness.

I spent a little time, believe me it was not
exciting, going through the ATF Regulations and reading
about the various boundaries of viticultural areas that you've established. I don't want to belabor this point, but I know you are aware of that fact that at least three-quarters of the viticultural areas that you've established since April of '87, at least three-quarters of the roads are boundaries.

Whether it be on approved roads, whether it be on interstate highways, whether it be a small dirt road, whether it be a lane, avenue or boulevard, at least three-quarters of viticultural areas have roads as boundaries.

Now, unless all those instances arose are true, viticulturally pure and distinct boundaries, then I find it hard to believe that we can't bend a little and accept this road which does have viticultural distinctiveness. As explained by Mr. Dulinsky, these soils are very different. It does have viticultural differences as explained by Mr. Egan and Mr. Chambers' pictures. The wind does have viticultural distinctiveness because the soils are the same here as here.

That boundary is a good boundary. It's not perfect, but it's a good boundary. It's got history; it's got a little climate; it's got a lot of soil. It's a good boundary. Some of the other boundaries that have been used kind of surprise me. Railroad right-of-ways,
power lines and national parks.

In theory, it's a good point. In theory, it would be nice to have perfect viticultural areas, but I think in fact it's impossible, and because it's impossible to have perfect boundaries, because these two knolls are far from perfect boundaries.

Because of that, I can't imagine how you can justify the exclusion of people who have established before you in the last day, and one witness yesterday, an alternate and significant boundary that is equally as good, if not better, than the northern boundary proposed by the committee.

I want to take a pause here and make sure I didn't forget anything. I've been taking notes throughout and, as I said before, this is to some degree a learning experience to me. Mr. Seff and Mr. Mendelson have prior experience with this, and I admire them both. This has not been easy, especially when you don't have the background and prerequisite knowledge and especially when you're a business attorney and not a litigator.

I read in the publication announcing the hearing. When I read that the marketing of wines has now become significant, I picked up that phone right away. I don't understand why now what you've marketed your wines and grapes as is now significant to a viticultural area when
before, to my understanding, they had no significance.

I didn't realize until that publication that the ATF considered what S. Anderson, what Dr. Chambers, what Pine Ridge, what John Shafer, et cetera, considered an advertising of wines as. I didn't realize that was one of the criteria. I have to apologize to Dr. Anderson. I screwed that one up.

I want to point out a reference, also, in their petition, and this is brief, that there is an article published in the Wine Spectator, January of '85, discussing "Making wine in the shadow of Stags Leap." It refers to Mr. Shafer's winery. In that article a specific mention is made to the "'82 Chardonnay of John Shafer."

Mr. Anderson has testified previously that he has sold grapes to Mr. Shafer and that they've gone at one point or another to a full third of this vintage. I don't know if '82 was a significantly smaller portion, but that to me is evidence, as has been testified to earlier.

The Andersons and their neighbors have contributed to the famous Stags Leap. Much was made yesterday to the fact that they've only contributed to 7 percent, correct me if I'm wrong. 7 percent of the total output of the Stags Leap area of wines are from grapes grown in the
northern addition, the northern addition being approximately this area.

They subtracted, if I remember, right. Mr. Amizetta said 7 percent of the output in this area came from this area. I did a quick calculation yesterday comparing planted acreages. My quick calculation was 6.6 percent. This represents 6.6 percent of the whole, so this represents 7 percent of their output. I think that's a noble job. It means to me that some of these grapes went somewhere, I guess.

Once again, I want to point out that Ms. Elliott-Fisk, Mr. Schukraft and others have concentrated on this funnel; and I don't want to belabor the point, but I think it's obvious that there's a lot more to this appellation, whether or not you include the Andersons, than this funnel. Just because it's a pretty picture here, doesn't mean it is here and doesn't mean that this is a better picture than it is here.

Mr. Schukraft spoke yesterday and reiterated some of the data he had collected for Silverado Vineyards, first submission, second amendment to the petition. Mr. Schukraft's data was collected at two points, roughly here and here, between the end of September and the early part of November.

Mr. Crowley earlier testified that there is no
significance and that the weather has no bearing during
that period of time. There's no growth on the vines.
This is not the growing season, to the end of September
through the beginning of November. So Mr. Schukraft's
data, by Mr. Crowley's argument, is irrelevant.

If that is the case, then the only people that
have proposed a climatic data are the people that have
lived there: Dr. Chambers, Mr. Egan, the Andersons, the
Missimers and the Barbozas.

I am sure I have left something out, but in the
interest of time, I'd like to address any questions that
anybody might have.

MR. DRAKE: I don't think you left anything out.

MR. GAHAGAN: One question. You mentioned that
the weather datas are irrelevant because they just
measured the conditions from late September to November.

MR. HILLMAN: Let me preface that by saying this
is not my argument. This is Mr. Crowley's statement to
Mr. Schukraft's data. Mr. Crowley said that Mr. Drake
had stood between the knolls and felt the wind. He said
that the wind blowing this time of year has no relevance
to the viticulture because this is not the growing
season.

Now I just applied Mr. Crowley's argument to
Mr. Schukraft's data and said, "Well, if that's the case,
if what Mr. Drake told me yesterday isn't important, then what Mr. Schukraft collected is also not important."

MR. GAHAGAN: That would be the period of time when the grapes are being harvested and some of them are still maturing and could be photosynthesizing.

MR. HILLMAN: Late September. I'll take your word for it. My understanding of the picking dates which has been discussed is almost everything is off the vine by September.

CHORUS OF SPEAKERS: **No, no, no.**

MR. HILLMAN: I'm sorry. I don't know. I do not know. But assuming that through November, at one point in time or another, that data let's say, has the least advantage, because I am certain, maybe not, that by the early November there is nothing still on the vines.

MR. GAHAGAN: Thank you, Mr. Hillman.

MR. DRAKE: **Andrew Beckstoffer.**

MR. BECKSTOFFER: Good afternoon. I am Andrew Beckstoffer. I am a grape grower. I live in St. Helena here in the Napa Valley. I own several hundreds of acres here in the Napa Valley and in Mendocino County. I also own the Napa Valley Vineyard Company, which is the largest independent farming and vineyard management company in the valley.

This is the fourth time that I've had the
privilege of testifying before this panel, in 1976 and, again, in 1977. I testified three times as the then president of the Napa Valley Grape Growers Association.

The subject of those hearings were the formation of the regulations under which this hearing is being held. I would remind the panel: We grape growers, those who own the land and own the grapes that are being made here, come to this process; and it is we and other members of the wine industry who requested higher standards and stricter definitions in the lengthy process.

The bureau's purpose for existence, I think, is for protection of consumer interest. That's our interest as well. It's in the best interest of the wine industry to growers and vintners alike that the consumer interest be protected.

My testimony in those early hearings was aimed at encouraging the enactment of regulations that would be the most benefit to the wine-consuming public. We consistently supported the bureau in its gradual movement towards higher standards and increased precision in the process by which viticultural areas would be recognized and wines labeled.

We spoke in favor of higher minimum percentage requirements for wines to qualify for varietal labeling.
We spoke in favor of higher percentage requirements for wines, seeking a list to list the viticultural area on the label. We spoke in favor of the bureau's retaining jurisdiction over the appellation board and process, rather than abdicating that to state and local bodies.

Most of us in the Napa Valley grape growing industry applaud the final actions taken by the bureau. For the most part, the Bureau of Regulations represented a strong statement in favor of the need for precise, meaningful viticultural designations, which when applied to the vine bottle would give the greatest possible benefit to the consumer.

In its notice 304 amended, regarding labeling and advertisements of wine dated May 31, 1977, the bureau stated:

"Viticultural areas and vineyards will be termed controlled appellations and will be subject to more stringent requirements."

Further stated: "Unlike countries, states and counties, controlled appellations are intended to cover areas with distinct viticultural qualities, so that the integrity of these appellations becomes more important."

In its Newsweek release naming the Santa Maria
Valley viticultural area, the bureau in 1981 stated:

"The viticultural area is a grape growing area, which is distinguished by the unique characteristics, such as climate and soil."

It further states:

"ATF believes that viticultural areas based solely on man-made features are inappropriate. In areas, however, where man-made features coincide with the distinguishing geographic features or act as demarcation lines between grape growing areas and areas not suited for grape growing, it's appropriate to use those features, too, in describing boundaries."

In the proposed boundary, unique viticultural characteristics -- they don't get viticultural area designations. You simply do the best you can. Areas don't have to exist viticulturally. We need not bastardize the processing for the consumer -- a mad dash to create viticultural areas. Don't bend the rules.

First, you can define the historical precedence.

Secondly, you can define on the basis of viticultural distinctiveness.

Thirdly, you can allow it to be defined by political influence.
Looking over your efforts to create viticultural efforts since the enactment of a very promising regulation, many people in the industry feel there are instances where political accommodations has played a larger part in the process of recognizing the viticultural areas than is appropriate. Given the clear indication of your final regulation, if it's happened in the past, let it stop here in the Napa Valley.

The only method for identifying viticultural areas that further consumer interest is identification by viticultural distinctiveness, supported by history where at all possible. That's all we talked about in 1976 to 1977. History should be supported by viticultural distinctiveness, especially where current consumer protection has a large scope.

The consumer needs to know that the bottle of wine carrying the viticultural area designation on the label will probably have the viticultural character he or she is looking for. The consumer does not care that the wine might come from a vineyard located not far from the vineyards that are known to have that characteristic. He or she is looking only for the character or for the distinctiveness itself. Political accommodation is not in the best interest of the consumer. It is likely to result in the consumer being misled, confused and
unable to identify a wine that shares the common
characteristics that the consumer is looking for.

The purpose of the bureau's activity in this field
is not to create marketing tools for the wine industry.
It is to protect the consumer by providing reliable,
additional information regarding the likely character of
the wine in the bottle.

I suggest, and the regulations seem to define,
that your mission should be to recognize viticultural
areas that would adequately reflect the viticultural
distinctiveness of the wines made from the vineyards
within the area's definitions.

Against that background, let me address the
proposed Stags Leap District and the extension being
sought by some of its neighboring owners. I have not
heard all of the evidence that you've been subjected to,
and I'm not going to tell you exactly where I think or
where the line should be drawn. What I would like to
tell you, I think you should be recognizing that line,
based on my experience.

First, I believe that the Napa Valley is one of
the finest table wine growing regions in the world. It's
a viticultural area, in your terms. That's plenty,
unless someone can show that there is viticultural
distinctiveness in a unique smaller subappellation. The
Stags Leap District is one of the finest growing regions within the Napa Valley.

You should recognize the distinctive character of those grapes and wines that is solely responsible for creating the reputation of the Stags Leap District, if you can find viticultural distinctiveness in a limited area where the grapes are grown that supply that character.

You should not approve a request for extension of the boundaries proposed by the petitioners, unless those who request the inclusion can prove that their wine produced from their grapes share the viticultural distinctiveness of the district.

Second, the burden of proof of any boundary is on its proponents. The proponents of the subappellation, such as Stags Leap, should shoulder the burden of proof that their boundaries provide viticultural distinctiveness. The burden of proof of those who seek to extend those boundaries should be on that party. It should not be the case that the original proponents must prove or disprove the case of those who wish to extend.

Thirdly, under your regulation, that burden should be significant. This goes back to my comments on politics and the consumer interest. Politics may favor including anyone who can prove one or two environmental
or historical characteristics in common with the neighboring viticultural area. Politics may mitigate against growing vines that do not include everyone who wants to be included, but these kinds of politics don't benefit the consumer.

The consumer and the wine industry is benefited by clear, strong, precisely defined viticultural areas that are identified by the viticultural distinctiveness which is shared by the grapes and the wine from that area. Anyone seeking to establish or to expand the area's boundaries must make a clear and convincing showing that they have these common characteristics.

Thank you.

MR. DRAKE: Thank you, sir.

We tend to agree with you, by the way. Politics should not enter, and rarely do; but there are times when it does.

MR. DRAKE: Lee Hudson, replacement for Ronald J. Wicker.

MR. HUDSON: My name is Lee Hudson. I'm a grape grower in Carneros and a member of the Board of Directors of the Napa Valley Grape Growers. I'm here instead of Ron Wicker who was unable to attend. I have a brief prepared statement, as you'll be happy to know.

The hearing on the Stags Leap viticultural area
represents more than just another hearing. It represents the distinction of a viticultural area and, thus, the long-term welfare of the consumer.

As grape growers, then, it's no surprise that we have a vested interest in what you call a "viticultural area." We recognize that ATF has the privilege and responsibility to protect the consumer. The consumer needs to know what he or she is buying when purchasing a bottle of Stags Leap wine.

It must mean the wine has characteristics of distinct viticultural significance. I stress "viticultural" because political differences in an area do not relate, from the consumers' taste and standpoint, to the product in the bottle.

If you are not certain from these two days' testimony whether the proposed Stags Leap area is distinctively different from other parts of the Napa Valley viticultural areas, then the Stags Leap area should not be granted a viticultural status.

This, again, is an attempt to protect the consumer. One of your missions in the arena of regulatory power is to protect the consumer and to provide information within labeling rules, so consumers are better able to make purchasing decisions based on accurate information.
We believe "Stags Leap" used alone on the label only serves to confuse the consumer. We have all worked hard to educate consumers and to demystify wine. Informative and truthful information on labelings is essential. Hence, we believe that for clarification where Stags Leap is located, you should require the proposed label to read "Stags Leap Napa Valley" or "Napa Valley Stags Leap." This will help avoid the confusion created, when new viticultural area designations are granted that exists entirely within another viticultural area.

We as Napa Valley Grape Growers appreciate the opportunity to be heard here. We know that you will make a wise and judicious decision.

Thank you.

MR. DRAKE: Thank you.

I have a question. I'm not sure if I know how to ask it the right way. You and Mr. Beckstoffer are saying the same thing on the viticultural aspect of a wine.

Where does history fit into that? I mean, historically where people may not be precisely in that area where that viticultural character comes through, yet for 40, 50, 60 years have marketed their product as part of that area. I am thinking of Napa Valley as a general term. When we did do Napa Valley, we took it farther
than the valley floor itself.

There is a great deal of history that goes back to the 1800's, where they took apples and other fruit from that area and marketed it in San Francisco as part of Napa Valley. Should you ignore that?

MR. HUDSON: Wine itself is history; and it's what we're concentrating on, what's in the bottle. To ignore history is impossible because we are a product of it, but the understanding that the consumer is looking for is something that doesn't confuse them; that consistently the same character is more important than the history itself; and that the ultimate goal is to benefit the consumer and not to purely benefit the marketing strategies of an area; and that the history has an insignificant point of view, relative to the final product and the distinctiveness character of a wine. That should be the main focus from our point of view, the distinctiveness of the viticultural and any logical characteristics of an area.

MR. DRAKE: Do you have any feeling about where the Yountville Cross Road fits in, as far as the Stags Leap area or district?

MR. HUDSON: We, I would have to say "we, as Napa Valley Grape Growers," not myself, feel that the boundaries are things that are your responsibility and
the burden of proof to be on the applicant. And we don't profess to say where the boundaries stop and start. That's something that is a very difficult issue and something we would all like to get beyond and get on to the process of making wine, growing grapes and selling that to the consu in the least confusing manner.

The confusion that these areas have a potential of creating is something we want to avoid. We want to have this transition be as smooth and uncomplicated as possible.

MR. DRAKE: When you come back to the characteristics of wine, using Stags Leap District as an example, must that be one kind of wine? Must it be red or white only?

MR. HUDSON: I think we should, in that case, look at the future and continue on without being too restrictive. That's a personal point of view. From me personally, I think it's too soon to jump on those bandwagons without having enough evidence and that there is obviously a distinctive character in certain regions within the Napa Valley, and those are recognized today and will be further explored as the process continues. But to jump on to the restrictiveness of a varietal label may be too soon, from my point of view. I can't speak for the Napa Valley Grape Growers.
MR. DRAKE: So more than one variety could contribute to the renown of a viticultural area.

MR. HUDSON: Well, the imprint that an area has on varieties in general should be significant and that the marketplace and the wisdom of the grower and the winery will, in essence, remove other varieties without us having to regulate that. That will occur over time.

MR. DRAKE: Thank you.

MR. HUDSON: Thank you.

MR. DRAKE: Any questions?

MR. WEEKS: May I comment on that question. You didn't ask me that question.

I want to say to you, again, as we started out, it was strictly geographic features, of the words we talked about earlier, that became viticultural distinctiveness as modified by historical precedent.

In other words, historical precedent meant that people, for whatever reason, were accustomed to tasting this product as Stags Leap. Over a reasonable period of time, you couldn't tell them, "This is not Stags Leap" or "That's not the Napa Valley," but that's really very hard to define, so it is viticultural distinctiveness modified by the historical precedent.

There is a very small area that started out as a hotel called the "Stags Leap." I went there in 1968, and
then we farmed some vineyards across the highway. Over the years, certainly in my experience, when people wanted to buy those grapes, they wanted Stags Leap grapes. They had a character that was different. It was not only Cabernet, it was Chardonnay and Merlot as well.

So you began to get a distinctiveness that is known by the people who are making the grapes and selling the wine. But it's a modification there and, I think, for example, the hearings on Napa Valley where you opened your arms, I think that's what we're saying here.

MR. DRAKE: Carl Doumani.

MR. DOUMANI: Good afternoon. I am Carl Doumani. I am a partner in Stags Leap Ranch and Winery. I have tried to cross things out of this list to make it shorter, but I missed some things earlier, so I'll go on.

I'm here to support the boundaries proposed by the Stags Leap District Appellation Committee. Our present home in the winery was originally built in the late 1800's. The first known use of the term "Stags Leap" was as the name of the Chasten's Ranch, which included the manor house, some other buildings and wineries, the surrounding acreage which includes the cliff overlooking the valley and which the manor house is located.

We purchased Stags Leap Ranch in 1970, made some wine there under the "Stags Leap Vineyard" label in '71;
and we've been producing wine since that time. About the same time, Warren Winiariski purchased his property and started planting grapes, producing wine. We used the brand name, "Stags Leap Vineyard," at the time he was using the name, "Stags Leap Wine Cellars."

We spent the next ten years in court trying to find out what was going on and found out that we had both used the name as we had been using it. We spent all that time and money in litigation for one reason. We both recognized the tradition that was inherent in the name, and we were both working hard to refine and develop the reputation. The fact is, in my opinion, that if it were not for Warren and myself, I would probably not be here today.

I'm not aware of a single reference to Stags Leap appearing prior to 1970. That was not a reference to what is now our ranch or the cliffs or the manor house where the winery is located. It was a legal action and the quality of the wines Warren and I were producing which began to put the name into broader use.

When Warren's Cabernet won the 1976 Paris Tasting, suddenly everybody had heard of Stags Leap. There was a Time Magazine article, and that was when the name began to be first applied to our general neighborhood.

It was about five years ago that Warren and I
realized an issue of who gets to use the words "Stags Leap" and transcend our own differences. Thanks to our lawsuits and explanations we had been making, many articles were being written. The consuming public was becoming educated on the differences between our wineries; however, we noticed that other wineries and growers started to use the words "Stags Leap" in some way.

Warren and I settled our differences and joined to protect our proprietary rights to the words. We have worked cooperatively since that time, going so far as to jointly produce a Cabernet, in the name of court, to further distinguish it.

In fact, Warren and I have agreed you should consider my remark as a joint statement from both of us as the people who hold the proprietary rights to the use of the name "Stags Leap" as a wine brand name.

We realize that there will probably be a Stags Leap District viticultural area. We have no objection to such an area being recognized, as long as it continues to be synonymous with the quality and distinctive character which is typical of the wines of the district.

I support the boundaries proposed by the committee and strongly oppose the extension of the viticultural area to the Yountville Cross Road. I want you to know that I feel that those boundaries stretch the
viticulturally area to the limit.

The gentleman that represents Mr. Anderson said that there was no such thing as a good boundary. There is not a place to stop. I think we have taken it as far as it can go. If you go beyond it, you are including land that has never been considered to be in our growing area. It has done nothing to contribute to the reputation and good will of Stags Leap.

As soon as you go beyond the hill crest, that northern line, you're out in Napa Valley floor; and I have no idea where you do stop. As soon as the line begins to pour over that hilltop to the north, Warren and my view on the entire issue of the use of the name "Stags Leap" as a name for the district changes. We feel that that extension undermines the distinctive character that gives the district a reason for existing.

If the district spills over to the north, it becomes a larger area and uses a handy marketing tool for the affected growers and wineries, rather than entire and distinct appellation easily recognized by consumers. Warren and I can see that expansion as undermining the distinctiveness that has been the strength of our individual trademarks and good will.

Thank you.

MR. DRAKE: Thank you.
Any questions?

MR. LIBERTUCCI: You said, Mr. Doumani, that the wineries and grape growers in the area of the northern extension have nothing to contribute to the reputation of Stags Leap. Within the area proposed by the committee, there are several wineries, more than two or three. It's my understanding, and correct me if I'm wrong, that the only wineries that have made reference to the Stags Leap on their labels are Pine Ridge, Stags Leap Wine Cellars and Stags Leap Winery; is that correct?

MR. DOUMANI: No. I believe there are more wineries that have used the name. I think Shafer used it. I know I saw something. Steltzer has used it; Clos du Val, I saw something. I guess my statement should have been just "growers" because there are no wineries in the northern extension as being proposed now, the addition. It should have been limited to growers.

MR. LIBERTUCCI: I believe Mr. Hillman mentioned earlier that he believed that the growers and the one winery in the northern extension had contributed to the reputation of the Stags Leap designation, as the result of their contribution to wines produced by wineries in the Stags Leap area as proposed by the committee.

I take what you are saying is that there are wineries within the proposed area proposed by the
committee that have not advertised bottled wines labeled
as "Stags Leap" wine, specifically, but as "Napa Valley
Wine."

How do they contribute to the reputation of Stags
Leap?

MR. DOUMANI: How do they? I believe what we are
talking about here are the ones that have been designated
as "Stags Leap" or even if they weren't designated as
coming solely from the grapes from Stags Leap, if they
did, if those wines were made from grapes from only that
area, that it was distinctive.

Yes, there would be wines made from grapes that
might have been bought from outside the area, even
outside the area we're talking about, the Yountville
Cross Road. Those wines might be wonderful, but those
wines, I believe, are blended and kept separate; and
they're not bottled and given any of the label -- on the
label or in the brochure that they put out that it's
Stags Leap wine.

MR. LIBERTUCCI: Your statement, my impression of
what you're saying is that only those wineries that have
advertised their production as coming from Stags Leap
area or Stags Leap Vineyards have contributed to the
reputation of the Stags Leap District.

MR. DOUMANI: I think you have got wineries that
have not advertised at all that -- I'm sorry. You're saying that I'm saying that only those that have advertised or put the name "Stags Leap" on their bottle have added to the reputation of the district?

MR. LIBERTUCCI: Yes. Are you saying that?

MR. DOUMANI: In respect to those grapes having a distinction, only the grapes from the Stags Leap area that were used in wine, and that wine would have to be from those grapes, would lead to that area's distinction.

We have two things here. There are grapes and there are wines being produced that the wineries are stating came from wines that were grapes that were grown in that area. There are other grapes that came from other areas that the same wineries are making wine out of, and you're asking me, did that do any good for Stags Leap area?

MR. LIBERTUCCI: Yes.

MR. DOUMANI: Probably helped to point out that when they took the time to put the Stags Leap area on, that they were making a distinction that the Stags Leap grapes might be better or more unusual or more similar.

MR. LIBERTUCCI: But it is not the reputation of the area proposed by the committee, the reputation representative of all of the wines produced from that area, or is it representative of only those wineries,
such as Pine Ridge, Stags Leap Wine Cellars, Stags Leap
Wineries and you mentioned Mr. Shafer's winery, that have
labeled their wines as wines that have been identified as
"Stags Leap" on the label.

MR. DOUMANI: No. I believe that the wineries in
the area, there is a distinction there between which
wines they put out that were made from grapes from the
area and others that have grapes from other areas, but
the wineries in that area that make grapes from the area
are, in my opinion, what gives the distinction.

MR. LIBERTUCCI: So it's not the total reputation
from the wines that's produced in that area, but only the
grapes grown from that area.

MR. DOUMANI: I think that's more important, yes.

MR. DRAKE: Thank you, sir.

Jim Seff.

MR. SEFF: Thank you, Mr. Drake.

Ladies and gentlemen of the panel, my name is
James Seff. I know a few of you, most of you, in fact.
I have been a wine lawyer for 19 years, I figured out
today. I'll try not to talk for 45 minutes, although I
know that you would be most gracious if I wanted to.

I was at the Wine Institute for 13-1/2 years.
While I was there, I had the privilege of participating
in the hearings which led to ATF and in '76 and '77 where
I performed a role similar to the role my colleague, Richard Mendelson, is performing here.

I got everybody sort of together, and I tried to figure out what they were going to say and tried to keep the testimony from being too repetitious; and we tried to get a coherent position from the Wine Institute. And you guys came out with the ruling. And we thought that was pretty good. It wasn't perfect, but life isn't ever perfect.

I thought I was finished with that, but then Dr. Ed showed you -- you guys remember him. Dr. Ed and Professor Benson and a number of other people who got together to make everybody's life more complicated and interesting. And the Wine Institute found itself on the side of ATP, supporting the regulations, and ATP 53. And we worked that for a number of years, and mostly got a decent conclusion out of that as well.

In the meantime, I went to lots of viticultural area hearings, and I have been in private practice now for four and a half years. I am now a member of the Pillsbury, Madison & Sutro firm in San Francisco in charge of a small group there that does alcohol beverage law.

I appreciate the opportunity to talk to you. When I wrote to you, I said I wanted to speak to you, representing Mr. Winiarski. As you have just heard from
Carl Doumani, both Carl and Warren have a tremendous
extra interest in the proceedings here today because of
their contribution to the name "Stags Leap" and its wine.

But as it developed, Warren's view is exactly
codeterminable with that of the Committee, with that he sits,
to the boundaries here and specifically the northern boundary.
Although I suppose if we must, we can talk about the
southern boundary, too.

And so I have been asked to say some things on
behalf of the whole committee, not just Warren.

First, I'd like to deal with a notion, which I feel,
is surfacing here, based on some questions which you all
have asked. That has to do with the reason people from up
here, outside of what we thing the area is, didn't
use the name "Stags Leap."

A couple of people have said that they didn't do it
because they were afraid of getting sued. Well, that
probably would have depended on how they used it.
And it's conceivable that somebody might have been sued if
they put it on a wine label as a proprietary or brand
designation.

Warren tells me nobody ever came to him and asked
him if they could call their ranch or vineyards "Stags
Leap," but even so, if someone did call a ranch or
vineyard "Stags Leap" or said to people, "Gee, I think I
live under the Stags Leap designation," no one could have
brought a lawsuit.

I think it's important to understand that, parti-
cularly, if grape growers wanted to tell people that
they were from the Stags Leap District or area. That
would, of course, be very difficult. So I don't
think that's really a legitimate concern. Rather the issue is,
if they thought they were there, as they have contended
today, then why didn't they say so? Or put another way,
why did they say they were other places?

Now, Dr. Anderson has mounted an impressive list of
witnesses. And Mr. Pillman, I must say I think you did a good
job. I am not a litigator either, and I never have been,
so I probably am just as nervous as you may have been, or
you don't show it. It is, of course, the presentation of
Dr. Anderson and his neighbors. We have heard a lot here today
about what people feel or believe or think.

I submit to you that what they feel or believe or
think is only useful in a probative sense, that is as evidence,
if they have something to back it up. We all feel lots of
things with passion and intensity that probably aren't true.
And we probably couldn't back up. And one of the things
which you as a panel, I think, will have to address is whether
some of the feelings that were articulated today and
yesterday, for that matter, are supported by evidence.

Now, Dr. Anderson didn't show a lot of things. He
didn't show any consumer recognition, not one, that the proposed northern extension of the area outlined in red is in the Stags Leap District. Not one. He didn't show any consumer support for his contention, that that area is in the Stags Leap District. He didn't show any industry recognition, that is wine industry recognition, except the recognition of Dr. Anderson himself, which one can admit is probably self-serving, that he should be in the Stags Leap District. He didn't show any evidence of sale of wines from his area, which he or anyone else understands to be Stags Leap District wines.

Now, I should say that since I tried to begin constructing these remarks, I have learned that in one public relations piece, the Anderson family did indicate they were north or near the Stags Leap District or in the Stags Leap District. But unless I'm wrong, I hope Mr. Hillman will correct me, or one of the others will, that document was generated from a wine tasting, which took place six weeks ago, and, therefore, is perhaps not as probative as if it had taken place two years ago.

More importantly, Dr. Anderson did not show that the sale of grapes from his proposed northern extension area were made into wines, which were Stags Leap District wines.

Now in the past, and I think, Mr. Libertucci, this
goes a little bit to your question of you mentioned an issue here, and it's easy to get confused, and you do it almost every day. It's not where the wine is made but where the grapes come from.

So if a winery in San Luis Obispo bought grapes from Mr. Egans' southern vineyard, the one in this area here, he could make wine that could have the Stags Leap characteristic that would be entitled to be under your regulations and under the same section of viticultural distinctiveness that we have been beating to death here today, to the designation of Stags Leap District, assuming that Mr. Egans' southern vineyard was in the Stags Leap District.

Dr. Anderson and his colleagues didn't show that they themselves ever called the northern extension anything but Napa Valley or Yountville. In fact, Dr. Anderson in his own testimony said, "Our area was always known as the Yountville area." Now, I again submit to you that that wasn't for fear of law suits; that was because at the time they didn't really think of themselves that way.

There is contradictory testimony that goes the other way. You are the triers of fact. It's your responsibility to weigh it all and see what you really think makes the most sense.

Dr. Anderson did not show that the soils on the southern side of the Yountville Cross Road -- that's here in the red area -- are any different than the soils on
the northern side.

(Mr. Seff indicates area on map.)

We have heard a lot about soils. It's very confusing. It's very confusing to me. But at the end of the day, what we end up hearing is that there are a lot of soil types here, here and here.

And the soil types are 104 and 105 and bale clay loam, and degree of slope. But we didn't hear they're really different from the soil types here, here and here.

That's important. And it's important because you have to know where to stop. Sure, you can go over the knolls here to the cross road, but just as logically you can go here to here or here.

And somebody asked, I think, Dr. Anderson: "What do you do with the northern vineyard, the one that's below Chambers but above the Younville Cross Road?"

They didn't answer that question.

It's logical that Mr. Egan would be in really. But if Mr. Egan is in, why not the next guy down the road? That's really the issue. You could leap frog all the way to Calistoga then.

Dr. Anderson shows that the climate on the south side of the cross road is no different that the climate on the north side of the cross road. Now, again, evidence is confusing, and I would really prefer that the whole issue
of climate not be joined. But the issue that I pose to you is not "Is this similar?" but "Is this similar; and if this is similar, why don't we go all the way up here? Why just stop here?"

Dr. Anderson didn't show all the growers in his area were unjust in not supporting his position. In fact, we have submitted evidence that there are growers up there who think they are not in the Stags Leap District.

Now, Section 5(e) of the AFA talks about information to adequately inform the consumer, and everybody from the press to the burea to the vintner to the lawyers, and probably to the accountants, too, say that is the most important thing. But, people, we all know there is another important issue here that people don't talk about too much.

That is, how much are you going to be able to sell your grapes for? That's a legitimate matter of concern. We're talking about business. And Dr. Anderson didn't show that his inclusion in the area would net him or his neighbors one penny more. In fact, they put in the evidence that some of their grapes get more money than grapes grown within the Stags Leap District.

Nor did Dr. Anderson show that his exclusion in this area would cost him anything. So I submit to you that, based on the hard evidence, there really isn't any reason to go the cross roads. Certainly not a
compelling reason.

There is another notion which everybody has been
talking about. I perceive from questions that you all have
asked yesterday and today that it's very much your interest,
and I think it should be. That is this question: If the
Stags Leap District could extend past to the west to let in
the western Mondavi land and to the north to let in
Silverado, what's the big deal about?

Let me expand just a little more and let in Dr. Anderson
after all we're only talking about 150 acres.

Here is why we think it's important. One of the great
things that the bureau has done for the American wine
industry, one of the things which is a direct result of
ATF 53, I think, and probably a cause of it as well, is that
the bureau through its regulations and through its system
of viticultural désignations has made us recognizable.

Overseas, as you all know, we are selling a lot more
wine, overseas, a heck of a lot. We thought before ATF53 --
and this is not the bureau's accolade; certainly we deserve
that credit.

Certainly Warren's success at the '76 Paris Tasting
made all of that possible as well. But with the current
definition of areas and sub-areas, ever more exclusive, there
comes a responsibility to make them mean more as well.

And I think based on what you hear from my
clients overseas, that sometimes the bureau's responsibility
to this challenge has not been perceived as well as it might
be.

We all know that when you have the Napa Valley here and
the historical area, a lot of people weren't sensitive to those
historical reasons. What's going on here?

Well, that was then and this is now. And these are
different facts, very different facts.

It seems to me that the reason it's a quarter to six
and this whole room is full, it's just not the problem of the
district or that the district only cares, but a lot of
people care a lot. A lot of people from the press are here.
There is a chapter from the International Press. It's
very important to take this opportunity, I believe, to
make areas which truly have viticultural distinctiveness.

We think we have approached that area. We have
approached that with our existing boundaries that have
viticultural distinctiveness. We think we have
met your tests in doing so.

I will be happy to answer any questions.

MR. DRAKE: Thank you, sir.

Again, I'm not sure how I can phrase this
question in the right way.

The area that's proposed by the committee in the
northern boundary running across the top of those hills,
how do you decide where that goes?

MR. SEFF: I beg your pardon?

MR. DRAKE: At the top of the last hill, how do you decide where that goes?

MR. SEFF: Well, I'm not going to answer that because I must say I come late to the party. I will let Mr. Mendelson answer that. He's been at the party. It would be silly to let me try to. But, try me again.

MR. DRAKE: I can't take that --

MS. SLATTERY: Hopefully an honest attorney.

I have one question. You have spoken a great deal about the representation of the Stags Leap, the label, the Stags Leap -- correct me if I'm wrong -- since 1983, other than wines which use it as a tradename "Stags Leap," it does not appear on the labels?

MR. SEFF: That's quite correct. And if I said that --

MS. SLATTER: No. No, you didn't.

MR. SEFF: Labeled or advertised or generally understood to be, because there are a bunch of wines that are wines that I think everybody knows that the grapes come from right there.

The Cabernet. I think, Bernard, do you call it "Napa Valley"?

MR. PORTET: Yes.

MR. SEFF: But everybody knows that that particular
wine is made from Stags Leap grapes. How do they know? I guess he feels they had a distinctive viticultural
classification to that wine, which is similar in
classification to other wines in the Stags Leap District.

MS. SLATTERY: So you believe consumer recognition is just as important a factor, whether the particular wine label is "Stags Leap"?

MR. SEFF: Absolutely. I think that's a critical factor. You and I both know there is a legal problem with wine labeling at the Stags Leap, and we are not talking about the brand name. We are talking about where the grapes come from.

MS. SLATTERY: Do you know if Silverado Vineyard ever used the name "Stags Leap" on the label?

I see in the Petition on the '82 Cabernet, some reference to location at Napa, west of Stags Leap. Now I am not sure if that is one --

MR. SEFF: Silverado Vineyard, right here west of the rocky promontory, known as Stags Leap; but again, why ask me when there is an expert here. Jack Stuart has had Silverado Vineyard from the beginning.

Do you want to respond to that?

MR. STUART: We have never -- all Cabernet and Merlot wines could be considered to be Stags Leap District in this vineyard, which I should point out is.
not just in this area that you are so interested in, but
also over here all the way to the highway.

You have in your file a fact sheet on your 1981
Cabernet Sauvignon which describes the location; and I
should say, also, that contrary to some of the talk, the
soils are continuous around both sides of these hills,
except for a little bit of -- homes that sit in the low
land.

MS. SLATTERY: When the label refers to the west
of Stags Leap, you meant west of the Stags Leap
promontory?

MR. STUART: Yes, that's right. All of it east of
the river.

MR. DRAKE: Thank you.

Charles L. Sullivan.

MR. SULLIVAN: I'm Charles L. Sullivan. Most
important to me, I'm a consumer, a wine collector. I
have a large cellar of which about 1500 bottles are
Cabernet and related cousins from the French Bordeaux
types. So I began in the late 1950's. I'm a long-time
member of the San Francisco Vintner's Club, and I have
run wine tastings for the San Francisco Bay area for
about 20 years. I have a newsletter on wine tasting.

Under that heading, I wanted to say that I
certainly do approve of a Stags Leap viticultural
district being established. The question is, of course, what should this be?

I'm a viticultural wine historian. I've written and co-authored several books. Some of them on wine. And I've authored a book, something over a hundred articles, in most, or certainly a majority of the major wine publications in the English language. I teach wine and viticultural history at De Anza College in Cupertino, and I am a member of the America Historical Association and life member of the organization of American Historians. I am also a member of the Society of Wine Educator, a charter member, and their official historian.

I have also done several viticultural historical studies for your panel, and I have testified at two other times. One time you may remember me at the infamous North Coast hearings where I was the only adversarial. I never had anything to do with it, as far as the ATF is concerned.

I also have a heavy background of physical geography, including graduate courses and studies in meteorology and climatology. That might be something that comes up. As a final toot of my horn, Leon Adam says in writing, "I am the modern historian of California wine."

Now, what about the history? That's what I want
to address first, particularly the pre-1960's history. I hope, and I confer from some of the questions that you asked and from some of the presentations that were given here, that the pre-1960's history doesn't amount to anything; that it really has virtually no bearing on the determination of what the Stags Leap District is going to be.

You may disagree and, if you do, I want to say that I have some real serious negative feelings about the research that was done and presented to you on behalf of this, not for the recent years, but for the early years.

That's why I say, if you disagree with me and you think this is really very important, then I think you should know that I believe that this history that was presented to you is replete with improper inferences drawn from generalizations, drawn from very inadequate information, sometimes very clumsy use of evidence; and in some cases, I sense a violation of what I considered to be the basic canons of historiography.

That is, the historian, not the lawyer, but the historian has to give the whole truth and take into account all the evidence, not just select evidence. We have heard about the grapes being business, and I have another piece of information about the grapes.

There is a piece of information about this Grigsby
affair and where these districts are that was left out. If the Grigsby line and the -- I call it "coastline" of Leonard Coakes of the west side of the valley, if they were parallel, then the northern extension would have been in the Grigsby. I will give you that in writing.

As I said, I hope that you don't think that this is particularly important. That's why I'm not going into it. The important thing, I think, is the Stags Leap history since the 1960's. I went through the Napa Valley in the early '60's, made a rough viticultural land-use map, and looking at it the other day, I find that this thing called the "Stags Leap District" was given over to many other activities primarily other than viticultural.

There were a few vineyards here and there, but mostly, agriculturally, this land was not devoted to viticultural. There is a couple of quotations from the Wine Spectator in which in the early days, I think Mr. Shafer says that he had to root up Perignon and things like this. This was what was growing in the area.

Dr. Anderson said the same thing.

The Wine Spectator in one of the articles on the area refers to the grapes that were growing here before the modern revolution in viticultural in this area as being types we usually associated with rustic Italian wines.
What I'm saying to you is let's look at the real history, and the real history begins here in the 1960's, specifically, when Mr. Fay comes in. Following this and, by the way, Mr. Winiarski -- I guess this quote has been given, the one where he says, "If it hadn't been for the rock, if it hadn't been for the ranch." Have you heard that one? You don't know that one? Good heavens! Let me give it to you:

"The rock and the ranch Stags Leap, the Stags Leap rock in his vineyard had no significance for the wine trade, and I don't think that the people would give two hoots about the name Stags Leap were it not for the events in Paris -- that would be the tasting -- before these occurred, there was nothing known as Stags Leap wine. I don't think there was any history of Stags Leap wine before we started producing."

This was taken from January 1st 1985, Wine Spectator, not the most recent.

After that, other people came in: Doumani, Foote, Steltzner, Shafer; and we get a distinct image of a district here that's producing Cabernet and setting the world on fire. The real world burns up in '76 when that '73 Cabernet beats the world.
By the way, I took part in two tastings of that wine in replications of this on the 10th anniversary, and in both cases, the wine didn't win, but it was right up there and beat a lot of those very good ones.

There is this perception, then, that Stags Leap as a viticultural district is something that's producing fantastic Cabernets. After this, I think you have to add the Pine Ridge here, although it's on the outside of Silverado, I think that it's still part of that perception.

You might want to know, where do I get this idea, perception? How do I know these things? Did you know that you had an article eight to ten inches in the Chronicle this morning? It's already clipped, filed and indexed in my file. I have virtually everything of historical importance in the English language in periodicals.

I am a long time subscriber to the St. Helena Star, read the St. Helena Star from 18—whatever it is to last week's issue. It's all indexed and filed. I keep up on this. When I was asked about this Stags Leap, I pulled my card. And where do I begin here and start having something about Stags Leap District? It's the Hinkle article on Vintage, 1981. This is where this perception really begins.
There is a district, I think, at least, although those of us who were drinking wines and were gathering the perception, we were picking up on this. We obviously picked up on it as more and more wines were produced, we had to drink more. Then a funny thing happened with this perception of our mind.

I want to tell you I think that I'm a pretty good consumer and pretty much aware of what's going on in the wine world throughout the state because of this indexing process that I have.

Then I heard about the petition, and I saw what I perceive as the Stags Leap District had been extended. It had been extended on the south. It had been extended to the west. Later, it had been extended to the north.

Now there is a proposed extension to the north again. I was surprised. I was not horrified. I wasn't an outraged consumer. I didn't say, "By God, this is Stags Leap." I didn't think that. Well, I guess I did; but for the life of me, I cannot think why areas here.

I have to go along with some of the other things that have been said. I'm not quite sure why some of these areas here are perceived as having now a reputation which derives from this fantastic reputation that was developed here in the late '70s and early '80s.

I would like to suggest to you that I don't think
that the world is going to come to an end, viticulturally speaking, consumerwise; but there will be a lot of consumers who perceive Stags Leap as this where Cabernet freaks like myself who suddenly will perceive something a lot larger than they thought.

As I say, I think there have been four proposed extensions of what is the popular conception of the Stags Leap District among us Cabernet freaks. The point that I'm trying to make in relationship to the northern extension is not that I see anything particularly important about this Yountville Cross Road as a viticultural line.

I don't think much of roads as limits to viticultural districts, but I don't see anything magic about this Napa River. Natural boundaries or natural wines are only useful, if they are useful. The Napa River as it's been pointed out has got these soil types on both sides. The winds aren't involved.

In my mind, it comes down to fairness. This area here wasn't involved in the decision that brought about a petition which included these other extensions, and now they want to belong; and I'm not horrified by it. I don't think that there would be any violation of what's right and wrong, to be perfectly frank with you.

Dr. Anderson isn't going to like this, but I'd
like to see this area right here to be Stags Leap. That's it. If I were the Godfather of appellations, that's the way I would do it.

I would like to point out a couple of other things that relate to viticultural districts in terms of the distinctiveness, other than the wines. We heard some things told us by the geographer yesterday. She pointed out that we have got this rector fan here and it's an illuvial fan that blows out these boulders.

She examined the soil to the north and found that she didn't think it was bale soil. She inferred from that that the soil to the south was not bale soil. Well, bale soil has a rhyolite base. The reason this is bale, I presume, is because you've got a big rhyolite knob there.

Every single time that it rains in this area, this rhyolite knob, volcanic base soil contributes to, and for millions of years have contributed to this vineyard here, and this amount of rhyolite has been contributed, has been decreasing as you approach the rector fan. This vineyard here is not full of big knobs, the round stones. Those big stones along there are not from that vineyard. I don't know where they came from.

Another thing concerning the meteorology of the situation. You were presented information by a meteorologist, but at a certain point in the
presentation, I had the feeling that what was happening was that he had switched hats and became a climatologist. Now a meteorologist is not a climatologist. Climate is the broad picture of averages built up over a period of time.

To be frank with you, I have never seen anything more confusing. What really confused me is derived by standing there and looking at it. That really confused me because I have been around here for almost 30 years, off and on, and believe me, the wind blows up there.

You can't tell from stations placed here and here, obviously for the purpose to show that the weather was similar here to there when this extension was to be added. That's why they put them there. That's what I infer. I could be wrong. You can't tell from that in standing up here and looking what is going to be happening here, from a meteorological point of view. Believe me, the wind blows there.

(Mr. Sullivan indicates areas on map.)

I would like to do a conclusion here. I hope you don't consider the pre-1960's history important in making your determination, but if you do, please be very careful about the historical inferences that are made. I know that many of you are lawyers and you know precisely what I mean by generalizing insufficient evidence.
Please be rigorous in determining what areas have earned inclusion in the Stags Leap viticultural district, as had been advised and suggested here, or be fair about it. If there have been three extensions, how are they better than this other one up here?

I don't think that the proposed northern extension has earned a place in my ideal Stags Leap viticultural District which I would create if I were the Godfather of appellations, but then again, I don't think I would throw out all of this stuff down here, well not all of it, but right across here.

The question is one of fairness. I think it perfectly fair to include the northern section of the entire area, the west and the south included. I don't think you would have heard a murmur from the northern area if the proposed Stags Leap District were a discreet entity strictly based upon the great perception that the small group of wines have developed in the last decade.

That's it.

MR. DRAKE: Mr. Sullivan, thank you.

On the pre-1960's history, you said that you did have something that you could submit to us in writing.

MR. SULLIVAN: Yes.

MR. DRAKE: I would appreciate it if you would.

MR. SULLIVAN: Sure.
MR. FICARETTI: I had one question.

Basically, what I gather you are saying is removing yourself from the situation, if you had your druthers of what it should be, it wouldn't include the northern extension nor the western boundary, as proposed, nor the southern.

MR. SULLIVAN: I know you don't like to say there are politics involved in the determination of the viticultural districts, but I think it would be very difficult for you to go back and make me the God of appellation.

If you are asking me what's my druthers, that's what I would rather have. I love appellations, and I think that I have a very strong positive image in my head of what Stags Leap Cabernet and Merlot and that sort of thing is. Not to include just this, but also Pine Ridge. That's in my mind, too.

MR. FICARETTA: How about the Stags Leap, let's say the white wines, the Chardonnays; are you restricting the red wines, the Cabernets?

MR. SULLIVAN: That isn't the way we play the game, is it? That's the way I would play the game. Mr. Steltzner has said the same thing several times, that he would like to see and I would like to see, too, limited Cabernet or Cabernet and it's cousins or any
other variety that develops this fantastic image.

I don't like to see how Mountain Chardonnay, I just don't understand that, how mountain is red wine country to me, but we don't play that game. You are not going to change the rules. I know you are not going to determine varieties. So I can't be the God of appellations.

MR. FICARETTA: As far as the distinctiveness that you've been talking about, is it any different from the red wine than the white wine? Is there any difference between the Chardonnays from within the proposed viticultural area?

MR. SULLIVAN: In my classes and my tastings over the year, I have never -- now, good, yes; outstanding, yes; but distinctive, no. I don't think that these rhyolite soils that give this crushed cherry, intense flavor that we get out of the Cabernets and their cousins. I don't think that that has this kind of an affect on Chardonnay.

The first time I bought a Port wine, I bought a '73 Zinfandel. That was one of the greatest wines I ever tasted. I haven't bought any since. They have been good, but not so great.

As I say, I don't think we can play that game. I seriously doubt if you will want to play it.
MS. SLATTER: Your declaration strikes me as being somewhat similar to lawyer Wood's declaration in terms of saying there is one Stags Leap area which is a small basin surrounded by some hills which has very distinct recognition; however, that if you extend the Stags Leap area beyond that small original area to the west to the south, then there's no reason to exclude the north.

I wonder if you could go beyond your statement about fairness and speak viticulturally in terms of, is there some sort of greater Stags Leap area which makes sense, viticulturally, as a distinct area which would include all of the areas all of the extended areas that we are discussing today?

MR. SULLIVAN: Not quite. I would have to sit down and taste wines that were made strictly off of these bottom land illuvial; the yellow along here and the bold along here and see whether or not they could pass the test. Probably now, if they're blended in. There are a lot of varieties down here. But, no, I don't think so. I have the feeling that it might be just as fair to do it the way the Germans did, with the leap frog. Anybody can hear the bells. Anybody can see the cracks, but we can't do it. That's not the way we play the game.

So, no, I don't see it. Anyway, this bale
deriving partially from this ryolite knob is important. I am a firm believer in the soil. There are similar areas; for example, between Howell Mountain and Stags Leap.

MS. SLATTERY: So would you say because of the similarities of the soil to the northern extension, that is one?

MR. SULLIVAN: I don't see how you can make an inference here without walking into that vineyard and digging town there and seeing whether it's full of rector fan illuvial. I'll bet you that it's not. I just don't believe it, but that's what we were told. We were told that because a dig was made up here, that this probably was not bale.

Remember, Mr. Shafer has said all this bale is what you find all over the valley. What you find right here, too. Ryolite, sure it's common around here. It has to be, combined with the right find, the right climate, the right fanaticism, all those different things; but it's still soil, it's still bale, unless this map is wrong.

MR. DRAKE: Thank you, Mr. Sullivan.

MR. ALTAMURA: My name is George Altamura, 4250 Silverado. I came here basically since I had heard about the appellation of the Stags Leap area. I thought it was
going to be a small area. I thought that's what we were talking about until somebody said made a comment that it was right near your property there, and what they were using was a dish that's no more than a dish, and it was the same soil, that was involved in the agriculture.

So I said, "I'd better go check it. I want to see what's going on." Then I come to see the map here is beyond what I've ever known. I came here 40 years ago, when I was about 16 years old. I came out from New York to come out here on my own and worked in Napa.

I used to always hunt. I used to go to Stags Leap Lodge. We used to go to the ridge and then down by Soda Canyon, right where my property is now where my home is. I own about 100 acres south of here. We used to hunt the ridge for deer and quail and come down to the ridge, and I've never known anything to be of such a magnitude as this, such as Stags Leap.

But if you're going to start going down to my area; the area to the south on the east side of the road, is my ranch, down away from there, but the soil that's been wiped below the red -- I went to the Agriculture Department this morning, and that soil that goes into that district and my soil is exactly the same. It's 156 hairloam.

So constantly everything I've been hearing from
everybody and all these experts say, "Well, it's geographic. It's got to be the climate. It's got to be the moisture. It's got to be that fog that comes in from the southwest." All these things are exactly my piece of property.

I own another ranch that's just a little ways past my place that backs up to the Napa River, which I'll show you in two seconds. And we harvest a piece that's adjacent to that Stags Leap area three to four weeks before; the same grapes, the same kind.

Then the other thing they say is that there's a definite designation between the grapes of Stags Leap and the other areas. I think basically I'm a businessman. I don't even drink wine. My family and my son went through the schools here, and he probably talked me into opening up a winery and that's great; but I think we are all trying to get on to what Mr. Winiarski and my son has always said, that it was the best.

Consequently, I think what's happening is Nathan Fay and Mr. Winiarski's property, Stags Leap has got such a great reputation from them that what's happening is maybe you don't want to have a smaller area. Maybe the area should be a little bigger. I'm not into that.

I've never been to a hearing before. But if you
start monkeying around and making it into a bigger area,
we definitely want to be considered even though we are
south because all there is between us and Mr. Portet is a
golf course and open land.

I'm going to show you right now where my property
is at.

(Mr. Altamura indicates areas on map.)

This property here is hairloam 146. Right down
through here is our property. Right down through here
it's 146, also, which I'll show you. When we used to
hunt the ridges, we used to always come here and park by
the lodge, go in to have a beer or coke. We used to hunt
quail and we used to hunt deer from here. We'd follow
this ridge up to about the 400 foot line. That's
probably a real good area. Then we'd come down here.
Here's my ranch right here.

I always loved the area and always crazy about it;
never had a nickel to buy a piece of property, but after
years, we ended up all looking at that piece of property.
This ranch goes on through here and ends up right here.
The mountains don't really stop here.

Why it went here through this ditch is beyond me
because this is the same soil, which I'll show you on the
map from the Agriculture Department. Right through here,
and I get the same breeze. The breeze comes here. I've
got the same breeze. I've got the same soil. They say they're unique.

Now I defy to say that they're unique. We've got to be the same, because I would bet right now that if we made our first Chardonnay, our first wine was bottled in '85, you could get the five best wines right there, '85 made with the Chardonnay from that area; and I'll put mine up, and I'll bet $1,000 to any one of the four or five wineries there to taste the five wines and tell me which "junk" wine is ours.

My boy has never made wine. This is the first year, so this is a good opportunity. I put it up without knowing and because I am in the same exact climate conditions you're talking about. I'm in the same breeze. It's the same thing. I never walked a ridge like this that cuts through this ditch here. The ditch is only about six feet. I don't even know why it was put there.

If it would've been up here in this area down to about there, I wouldn't have moaned very much about that, to tell you the truth. When you start coming down into my area and then you stop there, we have all the trees, all the vegetation, everything that you are talking about.

When I listened to the people yesterday, I learned
a lot yesterday. I never get involved with grapes. I
don't go near them. I don't pick them; I don't prune
them. I don't even want to know about the grape business
or the wine business, but yesterday I did learn a lot
when she talked about trees. She talked about big trees.

I'd like to show you a couple of pictures of my
place. There are big trees on my property all the way
through. That's my home and the trees around it. In
other words, when you go pass my home, the knoll stops.
That 400 foot comes down to nothing and, consequently,
it's flat beyond me; but up until you get to me, I'm in
the same ridge as everyone else. I'm in the same wind.
The wind comes from this way here, always the south, west
of my house.

We always paint the south side two or three times
more with undercoat. That's the side that never holds
up. We have to paint it every three or four years. We
always get our wind from here. The soil is the same. I
would give anybody here a sample of ours all the way
through here. It's exactly the same.

Now I own a ranch right here, too. When you go
across my property across the street to my other ranch,
we harvest the same grapes three to four weeks later.
It's completely different soils. When you start talking
about Stags Leap and the time that they do it, I venture
to say I farm exactly the same time as Mr. Portet and Clos du Val and all these people through here.

I take about the same time. We grow Chardonnay; we grow Cabernet. It's the same climate they get through the valley. It doesn't just start here, this wind, it comes right through me first. I get it before they get it, so if we are talking about a little bigger area than what I had in my mind as Stags Leap, I want to be included.

In fact, I'm going to submit a map to you people back east what I think it should be. There's no doubt about it, but I definitely am in the same strata that they are with the same soil, the same conditions, the same wind; and I would bet $1,000 with any one of the four or five wine makers right now that they couldn't tell which wine was mine; and that's a hell of a bet.

Any questions?

MR. FICARETTA: Do you sell grapes to anybody up in your area?

MR. ALTAMURA: No. We sell Cabernet to Caymus, another winery; and we sell Chardonnay to Franciscan; and we sell some grapes to Inglenook.

MR. FICARETTA: How long have you been growing the grapes along that area?

MR. ALTAMURA: We built our place maybe about nine
years ago. Nine to ten years ago, we purchased the
property.

MR. DRAKE: Thank you.

MR. ALTAMURA: Thank you very much.

MR. DRAKE: Mr. Hillman.

MR. HILLMAN: As I said moments ago, Mr. Seff
spoke. I was really going to waive my closing, but
Mr. Seff seemed not to be aware of some evidence that was
presented today. I thought maybe he overlooked it. The
panel also overlooked it.

He said there was no evidence submitted by
Mr. Anderson and his neighbors regarding climate in
regards to the northern boundary. I don't know if
Mr. Seff missed Mr. Barboza's presentation. We discussed
the fact that he had farmed 40 years in this area and
that his brother many years ago farmed the ranch and that
they had numerous times compared data and always found it
to be the same.

That sounds like climatic information to me. He
might have also missed Dr. Chambers presentation where he
showed photographs of the growth patterns of the vines
both in this area north and across the river and showed
that in this area and this area, winds force the vines to
grow or -- southern winds in this area and this area,
there was no similar effect. Once again, climatic data.
(Mr. Hillman indicates areas on map.)

Mr. Seff also said there was no soil evidence presented. He possibly overlooked Bud Dulinsky's presentation where he dug holes throughout this entire area and extensively above and below to the west of the area discussed how this area has thin soils and a hard pan closer to the surface; whereas this soil is deeper and this soil is marshy. These soils are not.

He compared these soils with digging done in this area and this area and said it was substantially the same soils. He also commented on the boulders he found above this area. Once again, soil information, better soil information. He is the only person who has dug holes in all those areas. Everybody else has either looked at a map or talked with a map and decided what the soils were.

Then Mr. Seff said there is no consumer evidence regarding that boundary. Maybe he was not here when Dr. Anderson read Joanne DePuy's letter. In her letter, she clearly states that says she's been giving tours throughout this area. That's her business. She stands on this hill and tells people, "This area is Stags Leap," including the northern extension, clearly evidence of consumer interest and consumer information.

Dr. Chambers, a consumer himself, also quoted from the Napa Tourist Bureau where he asked the consumer
side of the cross road as a boundary and that is a rather
direct information of consumer interest and evidence,
that the northern boundary is significantly a more
important boundary.

Second to last, Mr. Seff said that growers in the
northern extension had asked to be excluded; in fact,
it's grower, singular. Dorothy Barboza addressed that.
You asked her a question.

Lastly, he discussed the premium being paid for
grapes being, in his mind, significant; and both the
Andersons and their neighbors and the Stags Leap
Appellation Committee have commented that the grapes are
different, distinct, but not necessarily better or worse.
To my understanding in this process, you don't draw the
lines at vineyards that make a lot of money versus
vineyards that don't.

There is characteristics, there is influence, such
as viruses, such as viticultural practices, et cetera,
that impact financially what vineyard is profitable. And
the fact that the Andersons have never demanded a
premium for their grapes, to my mind, is not a reason for
exclusion.

That's it. That's all I have to say. Are there
are any additional questions?

MR. DRAKE: Mr. Mendelson.
MR. MENDOLSON: Thank you.

I know it's late in the day. I'll be brief so that we can all go about our merry ways. Unfortunately, I think of all the lawyers here, I am the only litigator. I've been a litigator for three years. We litigators like to use themes and emotions, so please bear with me.

First, something on emotional note. I heard Mr. Sullivan's comments about Mr. Heintz' historical research. Bill Heintz has been a friend of mine and worked on many viticultural area proceedings with me in the past, and I can't accept remarks which, by innuendo, implication or exaggeration, without supporting detail in the line of work of a man who is widely recognized both by ATF and the wine industry as a very reputable, excellent wine historian.

Back to themes now, off of emotions. I want to hearken back to the theme that John Shafer started with yesterday morning and that was thanksgiving. He thanked you for providing an opportunity for everyone to air their views. I want to thank you on behalf of the committee for helping us to focus our efforts for this hearing by posing very pointed and appropriate questions in your Notice of Hearing.

You asked us to comment on the geography in the north, including geology, soil and climate. You directed
our attention to the wineries' self-identification, how they marketed their grapes and the views of other wineries outside the proposed area.

Finally, you called for comments on name and boundary recognition, both historically and in modern times. These questions have enabled us to uncover several new pertinent items of information since September, when you published your Notice of Hearing.

I want to review these new findings briefly because they show what Mr. Beckstoffer referred to as Stags Leap District's viticultural uniqueness, what's referred to in your regulations as distinctiveness.

I'd like to start with Professor Elliott-Fisk's slides, two of them. I'm going to ask Deborah herself to walk you through them. The reason why is that what we're dealing with here is a geographical system, which is a collection of components, as she described, combining geography, soils and climate. I'd like her to reintroduce that.

MS. ELLIOTT-FISK: As we are getting ready here, I'd like to say that I really appreciate the comments made by the Andersons and all you folks. I am a firm believer in walking around on the land, getting to know a lot about your areas.

I would also like to remind the committee that I
have training in the undergraduate schools and graduate
level in geography, geology, soils research, botany,
arkeology, et cetera, in all of these areas.

(Ms. Elliott-Fisk indicates areas on map.)

Okay. Now look at the soils again. The soils are
very diverse in the Stags Leap District and in this whole
portion of Napa County and Napa County as a whole. It's
true that the coal silt loam does come across the dry
creek fan into our proposed boundaries. However, I
firmly believe that the Napa River is a better
geographical boundary than this transitional boundary
between the coal silt loam, the bale clay loam and the
hairloam.

Soil boundaries are transitional, and I would not
be satisfied with drawing this boundary here or wherever,
unless we did a series of soil pits transects across this
line to really try to determine if there was a line we
could draw. We may not be able to do that.

I also recognize that the soil conversation
service, USDA, has a map, bale clay loam soils throughout
this area up on the Andersons, et al., property and
across the Yountville Road. I firmly believe that the
soils on the Anderson property and on the other side of
the Yountville Road are the same. This is really a
matter of soil classification and terminology and,
hopefully, I can elaborate on that a little later.

I have done a lot of work on illuvial fans. In fact, I have a grant for illuvial fan research right now. I happened to walk on the Anderson, et al., property and I didn't think that was fair. I think that this Rector Canyon fan is a very good geomorphic surface, a unique surface, and that it does meet up against the two hills that our northern boundary goes through.

There are a number of reasons why you may not find boulders on some of your properties here north of the Yountville Road. I won't get into all of those. There are anthropologic reasons and natural reasons. The soil texture there can be a little bit different.

I'd also like to clarify one point very quickly about this old Napa River channel and about my river, cut an elevation of about 250 feet. The two, let's call them "Anderson's Hills." I've talked about the Pine Ridge Hills. You might as well have the Anderson's hills. Your two hills here, both have small, flat spots, terraces on them at about 250, 260 feet elevation. It shows up well in the topographic map.

It shows up on some of the major hills to the north just south of the Oakville Cross Road. It shows up in several places here, so the river at one point cut through this whole area.
The reason I only have this orange area mapped now as a former Napa River channel is because this geomorphic surface has not been covered up by illuvial fan sediments, whereas to the north, sediments coming off the Rector Canyon fan being the major force, and I acknowledge that there is a minor input of slope wash off of these two northern hills.

That's minor compared to the Rector fan sediments. This fan has covered up that old Napa River channel. We know the Napa River went through there because we see the terraces to the north. This Chimney Rock fan here has covered up the Napa River channel and the dry creek fan, no doubt, has as well.

So that's a distinct geomorphic surface. It has to have different soils in terms of some soil characteristics than we have down here in the former Napa River channel.

In addition, the Soda Canyon fan is another distinct geomorphic surface. Both of these fans are younger than the Napa River channel, but not as young as the Chimney Rock fan. This is mapped as hairloam, as Mr. Altamura pointed out; but there are some real changes in soil types along this road here.

There are older parts of this fan and younger parts of this fan. The Soda Canyon fan is very different
than theirs. It has a different history relating to farming and then formation of the Soda Canyon Valley. There are small valleys in here that act as topping.

This fan at Chimney Rock fan and also the old Napa River changes even though it's, at the same time, kind of a surface north, the same type of soil. I guess I should stop there.

MR. MENDELSON: We feel this -- eliminating evidence based on your questions and geography north. We've also researched and tracked how the various wineries have been identified themselves, as been revealed by the way they describe and market their grapes and their wine. There has been a lot of talk about 53, precluding the use of appellations after 1983 in advertisings based on appellations.

This doesn't preclude the usage of what Mr. Andrus has referred to as "word-of-mouth" as the way that appellations develop; also, wineries internal record. In fact, those regulations don't apply to grape growers at all.

We introduced the Napa Valley Grape Growers Association listing of available grapes in 1986. The DePuyys, who have given tours of the area, and the Missimers listed themselves as the Yountville Cross Road.

Right there, just on the other side of the line,
Elmer Freethy in the same listing, Stags Leap. We
introduced the Napa Valley Appellation Magazine, 1984 to
1987, for the listing of the wineries' own perceptions of
their appellations.

Mr. Anderson in 1986 stated "Yountville" without
retraction. Our vintner states "Stags Leap" or simply
"Napa Valley." We introduced Joseph Phelps wineries'
internal weight tags; one marked "Stags Leap" for their
grapes from within the proposed district and the other
marked simply "Weeks" in the proposed extension area.

We also reviewed the labels of every winery prior
to 1983 which used the Stags Leap or Stags Leap District
designation on the bottle of wine, including wineries
both inside the proposed area and outside; and we tracked
the source of the grapes. We discovered, and it has not
at all been refuted, that not one of these wines with the
Stags Leap District designation contained grapes from the
extension, despite the fact that there were grapes
available from that area.

To Clarify a point Mr. Hillman was talking about,
the 7 percent or the 6.7 percent, our calculations were
to show the amount of production from this area based on
the county ag average of four tons an acre, estimating
the production, excluding Amizetta's, whose grapes have
been listed as "Yountville" specifically.
What percentage of this total production was purchased by wineries within the viticultural area? That was 7 percent. And then it was only used for Napa Valley blends. Obviously wineries within the area produced wines for many areas. These went into the Napa Valley blends, supplemental production.

We consulted other wineries which had purchased extension area grapes and asked them if they ever referred to them as Stags Leap District grapes. Mr. Phelps testified yesterday that he called six wineries which had purchased Mr. Weeks' Cabernet and not one of them called those grapes "Stags Leap District" grapes.

Let me be clear on that point. We've heard testimony today that some wineries have bought grapes from the extension area as of the same or higher quality than those coming from Stags Leap District. We can see that fact. We also wish to note that the matter at hand is one of distinctiveness related to grape origin, not to grape or wine quality or price, for that matter.

Finally, in keeping with your questions, we've explored historical and modern name identification. Mr. Heintz presented information on the division between the Yountville and Napa viticultural districts of the late 1800's. There were only three of them: St. Helena, Yountville and Napa. 1880's, former heyday of
viticulture in this county.

We noted that the Yountville designation as a voting precinct or the political one may have been broader. I'm talking about viticultural identity, which is exactly relevant to the matter at hand. Our point was to show that there were distinct and separate viticultural identities over 100 years ago between the Yountville District and the Napa District.

The line did not follow the cross road. In fact, it very closely approximated our line.

The more modern name identification of Stags Leap District as a grape growing region, which dates from around 1970, has followed the same historical precedent. I don't regard viticultural name identification as being in a state of flux at all.

The growers and vintners in the Yountville Cross Road area have used this name with remarkable consistency, just as their predecessors did before them did. The issue before you today is not what to call the larger extension area, but when you get around to that, which I'm sure you will, will their viticultural self-identity be relevant evidence? Of course. Well, why isn't it relevant here today?

We must deal with the facts such as they exist today. Now I believe these facts argued persuasively for
the establishment of the viticultural area as proposed by the petitioners. I heard several times today the comment, I think by Dr. Chambers for one, "I think I'm very valid to be in Stags Leap."

I asked him and I asked the neighbors to show us the facts that support that position, particularly those that differentiate the extension area, the Yountville Cross Road from the area to the north. We've accepted our burden of proof for over three years to differentiate outside areas. They must do the same. We demand that kind of equal treatment.

This isn't a big guy, little guy issue. It's a consumer issue. We all know that. That is what is at stake. And as for consumers, I think it was Dr. Chambers again. I don't mean to pick on him. I think this is relevant because it relates to consumer perception. He said they're not sure where Stags Leap is. Mr. Hillman pointed to Anthony Dias Blue and Richard Hinkle. It's unclear, according to him.

That's no reason to dodge the issue entirely and fall to the nearest easy line, and this is obviously their logic. I would urge you as I did before this hearing started made a request under the Freedom of Information Act to review the comments that you've received, and I know that you received many comments from
consumers.

Consumers do have ideas. I'm not saying they all coincide with the boundary that we put forth, but let's face it. They're sophisticated. This is Stags Leap District. This is world-wide reputation. I don't even know what to equate it to. This is premier wine; this is distinctive wine. That fact can't be doubted.

I urge you to accept the petition as proposed, as marked here in green.

Thank you.

MR. DRAKE: Thank you.

MR. MENDELSON: Do you want me to respond to the question you asked about this line?

MR. DRAKE: Yes, if you can.

MR. MENDELSON: The reason that we came off the hilltop in this direction is that we were trying to follow the flow of the ridge line. There has been a lot of talk about two hills. This is not just two hills. There is a spur ridge that comes off of these mountains that continues a series of adjacent hills. We followed the general flow of that line.

Now it's true that it divides Mr. Missimer's property, not his vineyard. We feel that if the line is accepted, he's on notice. If he plants a vineyard to the south of this area, it's in Stags Leap District. If he
chooses not to accept that line and follow the French system, which is based more on property lines, partial definitions, we have given that to you as well. It's on the other map and it's long, but I have read a lot of your boundary descriptions, and I don't think that's very unusual at all.

Moreover, this boundary and property line are very, very similar, to my mind, having worked in this area. We are very fortunate and, I think, because this is a natural boundary that was recognized as such as properties were being divided.

MR. DRAKE: Thank you.

Any questions?

In closing, does anyone else wish to testify?

I will make a comment on the thoroughness, on the quality of the presentation, as I did yesterday and it was very impressive and it was very sincere.

The record will be open for comment on January 15, 1988. Written comments will be accepted until then and will be carefully considered in the rule-making process. This hearing is now concluded. I thank you very much for your patience and for your understanding.

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(Whereupon Hearing concludes at 7:10 P.M.)
COUNTY OF NAPA 
STATE OF CALIFORNIA 

I, Carole Lynne Johnson, CSR, a Notary Public in and for the State of California, do hereby certify:

That the above and foregoing 160 pages contain a full, true and correct transcription of the proceedings taken down by me in shorthand at the time and place therein named and thereafter reduced to typewriting under my direction.

I further certify that I have no interest in the event of the action.

WITNESS my hand and seal of office this 10th day of December, 1988, at Napa, California.

CAROLELYNNE JOHNSON, CSR 2556
Notary Public in and for the State of California.

OFFICIAL SEAL
CAROLELYNNE JOHNSON
NOTARY PUBLIC: CALIFORNIA
NAPA COUNTY
My Comm. Expires Aug 27, 1988