

By Direction of the Commission.

**Donald S. Clark,**

*Secretary.*

[FR Doc. 97-8795 Filed 4-4-97; 8:45 am]

BILLING CODE 6750-01-M

## DEPARTMENT OF THE TREASURY

### Bureau of Alcohol, Tobacco and Firearms

#### 27 CFR Part 9

[Notice No. 848]

RIN 1512-AA07

#### Mendocino Ridge Viticultural Area

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

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The Bureau of Alcohol, Tobacco and Firearms (ATF), is considering the establishment of a viticultural area located within the boundaries of Mendocino County, California to be known as "Mendocino Ridge," under 27 CFR part 9. This proposal is the result of a petition submitted by Mr. Steve Alden on behalf of the Mendocino Ridge Quality Alliance. The entire proposed area consists of about 262,400 acres or approximately 410 square miles with the actual proposed "Mendocino Ridge" viticultural area starting at the 1200 feet elevation line, and encompassing all areas at or above 1200 feet in elevation. Because of the 1200 foot elevation, this proposed area is unique from other coastal viticultural areas. Of the total 262,400 acres, the petitioner estimates that less than one-third, or 87,466 acres, lies above 1200 feet elevation. Of these 87,466 acres, the petitioner asserts that approximately 1500 to 2000 acres or 2% of the narrow timber covered ridge-tops are suitable for grape production. According to the petitioner, there are approximately 75 acres of grapes currently growing within the boundaries of the proposed viticultural area. This 75 acres of grapes is divided among six wineries.

**DATES:** Written comments must be received by May 22, 1997.

**ADDRESSES:** Send written comments to: Chief, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, P.O. Box 50221, Washington, DC 20091-0221 (Attn: Notice No. 848). Copies of the petition, the proposed regulations, the appropriate maps, and written comments will be available for public inspection during normal business hours at: ATF Public Reading Room,

Office of Public Affairs and Disclosure, Room 6480, 650 Massachusetts Avenue, NW, Washington, DC.

#### FOR FURTHER INFORMATION CONTACT:

David W. Brokaw, Wine, Beer and Spirits Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW, Washington, DC 20226, (202) 927-8230.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 23, 1978, ATF published Treasury Decision ATF-53 (43 FR 37672, 54624) revising regulations in 27 CFR part 4. These regulations allow the establishment of definitive viticultural areas. The regulations allow the name of an approved viticultural area to be used as an appellation of origin on wine labels and in wine advertisements. On October 2, 1979, ATF published Treasury Decision ATF-60 (44 FR 56692) which added a new part 9 to 27 CFR, providing for the listing of approved American viticultural areas, the names of which may be used as appellations of origin.

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

Section 4.25a(e)(2), Title 27, CFR, outlines the procedure for proposing an American viticultural area. Any interested person may petition ATF to establish a grape-growing region as a viticultural area. The petition should include:

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

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

(c) Evidence relating to the geographical characteristics (climate, soil, elevation, physical features, etc.) which distinguish the viticultural features of the proposed area from surrounding areas;

(d) A description of the specific boundaries of the viticultural area, based on features which can be found on United States Geological Survey (U.S.G.S.) maps of the largest applicable scale, and;

(e) A copy (or copies) of the appropriate U.S.G.S. map(s) with the proposed boundaries prominently marked.

##### Petition

Mr. Steve Alden of Alden Ranch Vineyards has petitioned ATF on behalf

of the Mendocino Ridge Quality Alliance to propose the establishment of a new viticultural area located within the boundaries of Mendocino County, California, to be known as "Mendocino Ridge." There are currently six producing vineyards in the proposed "Mendocino Ridge" viticultural area.

The evidence submitted by the petitioner is discussed in detail below. Given the unusual nature of the proposed area, ATF is requesting public comment on specific questions regarding the supporting evidence. It should be noted that the proposed viticultural area would include only the land above a certain elevation within the boundaries described. Thus, ATF wishes to solicit public comment on the following questions about the geographic distinctiveness of the non-contiguous areas in the petition:

1. Do the non-contiguous sites in the proposed viticultural area have such similar climate, soil, and other characteristics that they can be considered as a single or common grape growing region?

2. Is the actual land included within the proposed viticultural area at the 1200 feet (and above) elevation line reasonably distinguishable from the adjacent land that is not included?

3. Does the totality of the geographic evidence regarding the proposed viticultural area support the application of a reasonable proximity rule to exclude widely scattered but otherwise similar locations from being included within the proposed grape-growing region?

#### Evidence That the Name of the Area is Locally or Nationally Known

The petitioner asserts that, the name Mendocino Ridge has been chosen as the name of the proposed viticultural area because the region has been known as producing some of the best and most distinctive Zinfandel wine in the world. In this regard, the petitioner asserts that many books and magazines have historically referred to the proposed viticultural area as the Mendocino Ridge. For example, in 1988 the winery, Kendall-Jackson, wrote: "\* \* \* the vines in the Mariah vineyard are subject to the same complicated climatic variables that have caused wine experts to hail the *Mendocino Coastal Ridge* as one of the world's greatest Zinfandel regions." More recently, in an article published in the February 1994 issue of *Gourmet Magazine*, wine writer Gerald Asher wrote:

In Mendocino there's an equally wide divide between the tense and concentrated Zinfandels produced from old vines planted by turn-of-the-century Italian immigrants

who settled the exposed, high ridges between Anderson Valley and the Pacific and the subtly urbane wines from vineyards almost as old but planted in milder and better-protected sites around Ukiah and in the adjacent McDowell and Redwood valleys. (Emphasis added)

The petitioner further notes that Jed Steele started to make wine from old Mendocino Ridge Zinfandel vines at the Edmeades Vineyard & Winery in Anderson Valley in the early 1970's. Again, the petitioner cites Gerald Asher:

"The revival of California Zinfandel as a serious varietal wine began with the rediscovery of forgotten patches of old vines such as those on the Mendocino Ridge, most of them tucked away among hillside orchards."

The petitioner claims that the six vineyards within the proposed "Mendocino Ridge" are known by locals and wine writers as the "Mendocino Ridge" vineyards and that the area encompasses many named coastal ridges; i.e., McGuire Ridge, Zeni Ridge, Phelps Ridge, Signal Ridge, Campbell Ridge, German Ridge, Hanes Ridge, Adams Ridge, Cliff Ridge, Greenwood Ridge, McAllister Ridge, Brandt Ridge, Lambert Ridge, Mariah Ridge, Fleming Ridge, Mikes Ridge, Yellow Hound Ridge, Johnny Woodin Ridge, and Hog Ranch Ridge, Hog Pen Ridge, Steve's Ridge, Ponds Ridge, Brytan Ridge, and Pearly Ridge. According to the petitioner, the area also encompasses various "mountain peaks"; i.e., Cold Spring Mountain, Lookout Mountain, Bald Hill Dry Bridge Mountain, Eureka Hill, Gualala Mountain, Red Rock Mountain, Snook Mountain and Rockpile Peak. The petitioner notes that these "mountain peaks" are generally no higher than points on the ridge and that these ridges and peaks create the water shed for the Gualala River, Garcia River, Alder Creek, Elk Creek, Greenwood Creek, and the Navarro River. The proposed "Mendocino Ridge" viticultural area encompasses only ridge-tops which reach an elevation of 1200 feet or higher in the Coastal Zone of southwestern Mendocino County. The proposed boundary encompasses approximately 410 square miles or about 262,400 acres which was necessary to include the numerous ridge-tops comprising the grape growing areas. The petitioner stated that to his knowledge no grapes are being grown at the lower elevations below the 1200 foot coastal fog line.

#### **Historical or Current Evidence That the Boundaries of the Proposed Viticultural Area are as Specified in the Petition**

The petitioner states that, "(m)any articles have been written in prestigious

wine periodicals and books over the years about the unique and distinctive wines produced from grapes grown within the 'Mendocino Ridge' proposed viticultural area." For example, the petitioner cites *Making Sense of California Wine* by Matt Kramer (1992, William Morrow and Co., N.Y.) in which he states:

There aren't many ridge vineyards but, as Spencer Tracy said in *Pat and Mike*, "What's there is cherce." Even more unexpected is the grape variety: Zinfandel. Such ridge vineyards as Ciapusci Vineyard, Mariah Vineyard, Zeni Vineyard, and DuPratt Vineyard create some of the greatest Zinfandels in California. All are found between 1,400 feet and 2,400 feet in elevation. Jed Steele, the former winemaker for Kendall-Jackson, sought out these grapes and demanded an audience for them. The winery continues to issue named-vineyard Zinfandels from several of these vineyards, all of them extraordinary. (*Id.* at 218, emphasis added)

The petitioner also cited from *Coastal Ridge Zinfandel*, by Jed Steele Ridge Review, Volume V, No. 1 (1995, The Ridgetimes Press, Mendocino, CA). On page 7 it states:

That certain grape varieties, grown in specific geographical locations, produce distinctive wines that are sought after by appreciators of fine wine is a given phenomenon in the world of viticulture and enology. Illustrations of such situations are Pinot Noir when grown in Burgundy, the White Riesling when grown in the Mosel Valley of Germany, and the Cabernet Sauvignon when grown in the Rutherford-Oakville region of the Napa Valley. Zinfandel, when grown in the Coastal range of Mendocino County, roughly between the points where the Navarro River and Gualala River empty into the ocean, is in my mind such a classic match of grape variety with a particular climate, one that leads to the ultimate in winemaking fruit. (Emphasis added)

As further evidence of historic boundaries, the petitioner claims that, the cultivation of vineyards in the Mendocino Ridge began with the first Italian settlers, who came to the area in the late 1800's to peel tan bark. These Italian immigrants brought with them their grapes of choice: Zinfandel, Alicante-Bouschet, Carignane, Muscat, Palomino, and Malvasia. At one time, before Prohibition, it has been estimated that Greenwood Ridge had some 250 acres of vineyards and Fish Rock Road had another 150 acres of vineyards. According to the petitioner, Italian immigrant families with names like Luccinetti, Pearli, Gianoli, Ciapusci, Soldani, and Zeni homesteaded and planted vines along Fish Rock Road as early as the 1860's. Other Italian immigrants with names like Frati, Tovani, Giusti, Pronsolino, and

Giovanetti homesteaded along Greenwood Ridge around the same time. The following statement by Matt Kramer in *Making Sense of California Wine* (1992) is cited by the petitioner in support of this claim:

The planting of these higher-elevation vineyards is due entirely to an influx of Italian immigrants \* \* \* in the 1890's \* \* \*. In Italy, as elsewhere in Europe, grapes were found to perform better on hillsides than on valley floors. Considering their grapes of choice—Zinfandel, Alicante-Bouschet, Carignan, Muscat, Palomino, and Malvasia—they were right. None of these sun-loving varieties could have prospered in the cool, frost-prone Anderson Valley floor. But once above the fog, the sunshine is uninterrupted. The ridge sites rarely see the spring frosts. (*Id.* at 218)

The petitioner states that Prohibition came and many of these vineyards were removed. Of these original vineyards planted by the Italian immigrants, three have survived and still produce award winning wines to this day. According to the petitioner, both the Ciapusci and Zeni vineyards are still tended and owned by the original families on Fish Rock Road. On Greenwood Ridge Road, the DuPratt vineyard planted in 1916 is producing world class Zinfandel according to the petitioner. In addition, the petitioner states that the Zeni's, Ciapusci's, and DuPratt's all had wineries at their vineyards. Part of the Ciapusci's winery is still standing and parts of an old wine press can be found at the DuPratt vineyard site. The petitioner states that tunnels used for storing wine can be found burrowed into the mountain at the Zeni Vineyard. Three other vineyards, Mariah Vineyards, Greenwood Ridge Vineyards, and Alden Ranch Vineyards have been planted in the past 25 years according to the petitioner.

#### **Evidence Relating to the Geographical Features (Climate, Soil, Elevation, Physical Features, etc.) Which Distinguish the Viticultural Features of the Proposed Area From Surrounding Areas**

According to the petitioner, the proposed "Mendocino Ridge," viticultural area is shaped like a bulging triangle with its northern apex less than a mile wide at the mouth of the Navarro River. The southern base of the triangle is approximately 15 miles wide as it runs along the Mendocino/Sonoma County line. From north to south the proposed area is 36 miles long. A small segment of the proposed viticultural area overlaps the Anderson Valley viticultural area along its northeastern boundary. The petitioner asserts that this segment has been included in the

proposed "Mendocino Ridge" viticultural area because it is climatically, geologically and enologically the same as the proposed "Mendocino Ridge" area. Again, the petitioner cites Matt Kramer In *Making Sense of California Wine* (1992). On page 218 he states:

Actually, the Anderson Valley is more complicated yet. Everything so far described applies to what might be called Anderson Valley bas. There's also an Anderson Valley haut. The AVA really contains another, hidden appellation. Although not recognized as an AVA, it should be. This "hidden" appellation is the vineyards above the fog line, locally known as the "ridge vineyards." The name is apt: They are found on ridgelines above fourteen hundred feet in elevation. Technically, these vineyards are Anderson Valley AVA. In reality, they are their own world: more sun, no fog, yet subject to the cooling temperatures that come with higher elevation. (Emphasis added)

According to the petitioner, the grape growing region of the proposed viticultural area encompasses the coastal ridge above the 1200 feet elevation entirely within the Coastal Zone in the southwest corner of Mendocino County, California. Less than one third of the entire proposed area, or 87,466 acres, lies above 1200 feet elevation. Of these 87,466 acres, approximately 1500 to 2000 acres or 2% of the narrow timber covered ridge-tops are suitable for grape production according to the petitioner. There are approximately 75 acres of grapes currently growing within the boundaries of the proposed viticultural area. These 75 acres are located in isolated pockets carved out of dense redwood and douglas fir forest along the ridge-tops above the coastal fog line. The petitioner further asserts that summer mornings are characterized by lakes of fog with the ridge-tops protruding like small islands soaking up the cool morning sun.

### Topography

According to the petitioner, the proposed "Mendocino Ridge" area is characterized by narrow irregular ridges that have a high elevation point of 2736 feet at Cold Spring Mountain. The side-slopes are steep and timber covered, with slopes often exceeding 70%, making these areas unplantable. Because of the steepness and narrowness of the ridge-tops, farmable acreage is at a premium. Rarely, in the proposed viticultural area, does a ridge-top vineyard exceed 30 acres in one continuous block.

According to the petitioner, the "Mendocino Ridge" terrain can be sharply contrasted with the surrounding areas. To the west is the Pacific Ocean.

To the northeast is the valley lowlands of the Anderson Valley viticultural area. The grapes grown in this area are planted in the fertile alluvial soils along the Navarro River. To the southeast are the long, sloping, hillsides of the Yorkville benchland area. Grapes grown in this area have been traditionally planted on the bottom lands and on the hillside benches to the east of Highway 128. To the south is the Sonoma/Mendocino County line and the Sonoma Coast viticultural area.

### Soils

The petitioner states that, "(t)he soils are unique to this triangle of rugged, timber-covered ridgetop area and have been shown to be distinct from the surrounding area's soils. Climatically, this area sits entirely within the Coastal Zone and receives the cooling influences of the Pacific Ocean which surround these ridges and peaks with fog, making these ridges into cool, sun-soaked islands in the sky. The 'Mendocino Ridge' also receives a significantly greater amount of annual rainfall than the surrounding areas."

The petitioner further asserts that the soils within the proposed "Mendocino Ridge" viticultural area have been identified by the Soil Conservation Service in a National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations and local agencies.

According to the petitioner, the proposed area is dominated by timber type soils and is clearly separated from surrounding soils at the proposed "Mendocino Ridge" boundary. To the west is the Pacific Ocean. To the northeast are the fertile alluvial valley soils of the Anderson Valley and to the southeast are the upland grass range soils of the Yorkville area. To the south is the county line and the Sonoma Coast Appellation.

Moreover, the petitioner states that the proposed "Mendocino Ridge" viticultural area is dominated by soils that fall into the general soil category of Ustic-isomesic type soils. These soils lie mainly between 500 feet and 2000 feet elevation within the zone of coastal influence. The soil does receive some moisture added by the tree canopy which causes water to precipitate from the fog. However, the fog influence is less pronounced at the upper elevations. It is less dense and does not blanket this zone as frequently as at the lower elevations. The soils are dry for part of the summer and there is little variation between summer and winter soil temperatures at 20 inches of depth.

Redwood is the most reliable indicator of this zone. Redwood can often comprise from 15 to 50 percent of the tree canopy with douglass fir, tanoak, and Pacific madrone being the other dominant species. The understory vegetation is often a dense thicket of California huckleberry and tanoak.

The specific soil types that dominate the proposed "Mendocino Ridge" viticultural area are identified by the petitioner as follows:

#### 1. Zeni

This soil is moderately deep and well drained fine-loamy type soil. Typically, the loam surface layer is underlain by a loam subsoil. Soft sandstone is at a depth of 20 to 40 inches. Slopes range from 9 to 75 percent. The vegetation is mainly Douglas fir and redwood. Average pH is 5.7.

#### 2. Yellowhound

This soil is deep and well drained. Typically, the gravelly loam surface is underlain by an extremely gravelly loam subsoil. Hard sandstone is at a depth of 40 to 60 inches. Slopes range from 9 to 100 percent. The vegetation is mainly Douglas fir and redwood. Average pH is 5.6.

#### 3. Ornbaun

This subsoil is deep and well drained, with little or no seasonal fluctuation in soil temperature. Typically, the loam surface layer is underlain by a loam and clay loam subsoil. Soft sandstone is found underneath at a depth of 40 to 60 inches. This soil occurs on hilly and mountainous uplands with slopes of 9 to 75 percent. The vegetation is mainly Douglas fir and redwood. Average pH is not available.

#### 4. Gube

This soil is moderately deep, well drained soil formed in material weathered from sandstone. Gube soils are on mountains and have slopes of 30 to 75 percent. The vegetation is mainly Douglas fir and redwood. Average pH is 5.4.

#### 5. Fish Rock

This soil is a shallow, well drained soil formed in material weathered from sandstone or mudstone. Fish Rock soils are on ridgetops and upper sideslopes of coastal hills and mountains and have slopes of 2 to 30 percent. The vegetation is mainly Douglas fir and redwood. Average pH is 4.8.

#### 6. Snook Series

This soil is a very shallow, somewhat excessively drained soil formed in material weathered from sandstone and

shale. Snook soils are on mountains and have slopes of 30 to 75 percent. The vegetation is mainly Douglas fir and redwood. Average pH is 5.6.

#### 7. Kibesillah

This soil consists of moderately deep, well drained soils formed in material weathered from sandstone. Kibesillah soils are on hills and mountains and have slopes of 9 to 100 percent. The vegetation is mainly Douglas fir and redwood. Average pH is 5.5.

The petitioner contrasts the above soils with the soils to the northeast and southeast of the proposed "Mendocino Ridge" viticultural area. Along the northeast border of the proposed "Mendocino Ridge" viticultural area are the deep alluvial soils of the Anderson Valley and Mendocino viticultural area bottom land. These fertile soils were identified by the USDA soil conservation service of the Mendocino County bottom lands completed in 1973. These soils are: CeB, Cole Clay Loam Wet; JaF, Jesephine Loam; TaC, Talmadge; Gravelly Sandy Loam; SeB, San Ysidro Loam; EdA, Esparto Silt Loam, Wet; PbC, Pinole Gravelly Loam; MdB, Maywood Sandy Loam, occasionally flooded and; FcA, Fluvents, frequently flooded. Along the southeast border of the proposed "Mendocino Ridge" viticultural area are the Xeric-mesic soils of the Yorkville corridor east of Highway 128 along the sweeping, grassy, oak studded slopes. These soils are grass, oak, and brush covered. The Yorkville soils are subject to little or no coastal influence, unlike the soils in the proposed "Mendocino Ridge" viticultural area which are dominated by the coastal influence. Soils are usually dry from early June to October. The soil temperature at 20 inches in depth varies by more than 9 degrees between summer and winter unlike the Ustic-isomestic soils of the proposed "Mendocino Ridge" viticultural area which do not vary. The vegetation types commonly found on Xeric-mesic soils are interior live oak, California black oak, Oregon white oak, Eastwood manzanita, toyon rose, bedstraw and annual bromes. The petition contrasts the specific Xeric-mesic type soils of the Yorkville upland area with the soils in the proposed "Mendocino Ridge" viticultural area.

In summary, the soils of the proposed "Mendocino Ridge" viticultural area are dominated by "timber" type soils with redwood, Douglas fir, tanoak, and Pacific madrone being the dominant vegetation. These soils are well drained and have little or no summer to winter soil temperature variations. In contrast, the soils of the surrounding areas are the

deep alluvial Anderson Valley soils to the northeast and the upland rangeland soils of the Yorkville area to the southwest.

#### Climate

The petitioner notes that the proposed "Mendocino Ridge" viticultural area lies entirely within the Coastal Climate Zone as defined by *The Climate Of Mendocino County*, a booklet published by the Mendocino County Farm and Home Advisors Office. The Coastal Climate Zone is cooled by the ocean influence of the Pacific. This Zone is continuous from north to south along the proposed "Mendocino Ridge" boundary and is commonly referred to as the redwood belt. The area is dominated by the influence of the Pacific Ocean at its western border throughout the year, unlike the area to the east of the proposed area which is within the Transitional Climate Zone. "Transitional" means the area's climate is subject to both the ocean's cooling influences and the warmth of the interior areas at different times of the year.

The "Mendocino Ridge" viticultural area is unique from other coastal viticultural areas because of its elevation of 1200 feet or higher. According to the petitioner, the elevation line being at approximately the fog line means that while the valleys may be full of coastal fog, the vineyards are fully exposed to the sun while receiving the cooling influences of the fog.

The proposed "Mendocino Ridge" area has both a rainy and dry season of moderate temperature. The rainy season occurs from November through May. The petitioner states that the average annual temperature for the area is about 53 degrees F., and the average annual precipitation is 75+ inches a year. Because of the area's coastal influence the average length of the growing season is from 275 to 300 days.

The petitioner claims that the climate in the adjacent growing regions are strikingly different. In the Yorkville Area, east of Highway 128, long, sweeping slopes lie within the Transitional Climatic Zone, receiving much more sun and inland weather influences. These inland weather influences mean the Yorkville area's average temperatures are cooler in the winter and hotter in the summer and the growing season is shorter, averaging between 250 and 275 days in length. The average annual precipitation is only 49.46 inches a year. Source: *The Climate of Mendocino County*, Mendocino County Farm and Home Advisors Office, page 10. With regard to

Anderson Valley, it lies under the fog layer, receiving fewer sunlight hours than the proposed "Mendocino Ridge," grape growing areas which are entirely above the fogline. The average annual precipitation is only 40.68 inches a year. Source: *The Climate of Mendocino County*, Mendocino County Farm and Home Advisors Office, page 10.

#### Proposed Boundaries

The boundary lines of the proposed "Mendocino Ridge" viticultural area closely follow the line of Coastal Zone influence, above 1200 feet elevation in the southwest corner of Mendocino County, California. The boundaries of the proposed area may be found on the following U.S. Department of Interior Geological Survey 15 minute series Quadrangle maps: Ornbau Valley Quadrangle, California, 1960, Navarro Quadrangle, California, 1961, Point Arena Quadrangle, California, 1960, Boonville Quadrangle, California, 1959.

#### Public Participation-Written Comments

ATF requests comments from all interested persons. Comments received on or before the closing date will be carefully considered. Comments received after that date will be given the same consideration if it is practical to do so. However, assurance of consideration can only be given to comments received on or before the closing date.

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

Comments may be submitted by facsimile transmission to (202) 927-8602, provided the comments: (1) Are legible; (2) are 8½" x 11" in size, (3) contain a written signature, and (4) are three pages or less in length. This limitation is necessary to assure reasonable access to the equipment. Comments sent by FAX in excess of three pages will not be accepted. Receipt of FAX transmittals will not be acknowledged. Facsimile transmitted comments will be treated as originals.

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

## Paperwork Reduction Act

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

## Regulatory Flexibility Act

It is hereby certified that this proposed regulation will not have a significant impact on a substantial number of small entities. The establishment of a viticultural area is neither an endorsement nor approval by ATF of the quality of wine produced in the area, but rather an identification of an area that is distinct from surrounding areas. ATF believes that the establishment of viticultural areas merely allows wineries to more accurately describe the origin of their wines to consumers, and helps consumers identify the wines they purchase. Thus, any benefit derived from the use of a viticultural area name is the result of the proprietor's own efforts and consumer acceptance of wines from that region.

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

## Executive Order 12866

It has been determined that this proposed regulation is not a significant regulatory action as defined by Executive Order 12866. Accordingly, this proposal is not subject to the analysis required by this executive order.

## Drafting Information

The principal author of this document is David W. Brokaw, Wine, Beer, and Spirits Regulations Branch, Bureau of Alcohol, Tobacco, and Firearms.

## List of Subjects in 27 CFR Part 9

Administrative practices and procedures, Consumer protection, Viticultural areas, and Wine.

## Authority and Issuance

Title 27, Code of Federal Regulations, part 9, American Viticultural Areas, is proposed to be amended as follows:

## PART 9—AMERICAN VITICULTURAL AREAS

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

**Authority:** 27 U.S.C. 205.

## Subpart C—Approved American Viticultural Areas

**Par. 2.** Subpart C is amended by adding § 9.152 to read as follows:

\* \* \* \* \*

### § 9.152 Mendocino Ridge.

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

(b) *Approved maps.* The appropriate maps for determining the boundary of the Mendocino Ridge viticultural area are four 1:62,500 scale U.S.G.S. topographical maps. They are titled:

(1) Ornbau Valley Quadrangle, California, 15 minute series topographic map, 1960.

(2) Navarro Quadrangle, California, 15 minute series topographic map, 1961.

(3) Point Arena Quadrangle, California, 15 minute series topographic map, 1960.

(4) Boonville Quadrangle, California, 15 minute series topographic map, 1959.

(c) *Boundary.* The Mendocino Ridge viticultural area is located within Mendocino County, California. Within the boundary description that follows, the viticultural area starts at the 1200 foot elevation (contour line) and encompasses all areas at or above the 1200 foot elevation line. The boundaries of the Mendocino Ridge viticultural area, using landmarks and points of reference found on appropriate U.S.G.S. maps, follow.

(1) Beginning at the Mendocino/Sonoma County line at the mouth of the Gualala River, where the Gualala River empties into the Pacific Ocean, in section 27 of Township 11 North (T11N), Range 5 West (R5W), located in the southeastern portion of U.S.G.S. 15 minute series map, "Point Arena, California;"

(2) Then following the Mendocino/Sonoma County line eastward to the southeast corner of section 8 in T11N/R13W, on the U.S.G.S. 15 minute map, "Ornbau Valley, California;"

(3) Then from the southeast corner of section 8 in T11N/R13W directly north approximately 3+ miles to the southwest corner of section 9 in T12N/R13W;

(4) Then proceeding in a straight line in a northwesterly direction to the southwestern corner of section 14 in T13N/R14W;

(5) Then directly north along the western line of section 14 in T13N/

R14W to a point on the western line of section 14 approximately 1/4 from the top where the Anderson Valley viticultural area boundary intersects the western line of section 14 in T13N/R14W;

(6) Then in a straight line, in a northwesterly direction, to the intersection of an unnamed creek and the south section line of section 14, T14N/R15W, on the U.S.G.S. 15 minute series map, "Boonville, California;"

(7) Then in a westerly direction along the south section lines of sections 14 and 15 in T14N/R15W to the southwest corner of section 15, T14N/R15W, on the U.S.G.S. 15 minute series map, "Navarro, California;"

(8) Then in a northerly direction along the western section lines of sections 15, 10, and 3 in T14N/R15W in a straight line to the intersection of the Navarro River on the western section line of section 3 in T14N/R15W;

(9) Then in a northwesterly direction along the Navarro River to the mouth of the river where it meets the Pacific Ocean in section 5 of T15N/R17W;

(10) Then in a southern direction along the Mendocino County coastline to the Mendocino/Sonoma County line to the beginning point at the mouth of the Gualala River in section 27 of T11N/R15W, on the U.S.G.S. 15 minute series map, "Point Arena, California."

Signed: March 13, 1997.

**John W. Magaw,**

*Director.*

[FR Doc. 97-8807 Filed 4-4-97; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

### 30 CFR Part 926

### Surface Coal Mining and Reclamation Operations Under the Federal Lands Program; State-Federal Cooperative Agreements; Montana

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is reopening and extending the comment period on a proposed rule which would amend the cooperative agreement between the Department of the Interior and the State of Montana for the regulation of surface coal mining and reclamation operations on Federal lands