

PASO ROBLES AVA COMMITTEE  
811 Spring Street, Box 127  
Paso Robles, CA 93446

April 5, 2007

VIA FEDERAL EXPRESS

Mr. Frank Foote  
Director, Regulations and Rulings Division  
Alcohol and Tobacco Tax and Trade Bureau  
Attn: Notice No. 71  
P.O. Box 14412  
Washington, DC 20044-4412

Re: Opposition to Proposed Paso Robles Westside AVA

Dear Mr. Foote:

The Paso Robles AVA Committee (the "Committee") consists of 59 grape grower and winery members who farm, own or manage over 10,000 acres in the Paso Robles American Viticultural Area ("AVA"). Our members farm around 1,700 acres in the proposed Paso Robles Westside AVA, and 15 member wineries are located there. The Committee is writing in opposition to the proposed Paso Robles Westside AVA.

The Committee has been working for over 14 months on a detailed study of the Paso Robles AVA in an effort to arrive at a master plan for future viticultural areas inside the larger Paso Robles AVA. That effort has involved several experts, including Professor Deborah Elliott-Fisk of the University of California at Davis (her curriculum vitae is attached as **Exhibit A**), climatologist Donald Schukraft of Western Weather Group, LLC (his curriculum vitae is attached as **Exhibit B**), and Richard Mendelson and Michael Maher of the law firm of Dickenson, Peatman & Fogarty in Napa, California. All of the Committee members have participated actively, sharing with the Committee's technical experts their first-hand viticultural experiences and their historical knowledge of the area.

This collaborative effort has resulted in a proposal to establish 11 viticulturally distinct AVAs within the larger Paso Robles AVA, along with a petition for a small expansion of the existing Paso Robles AVA in the southwest. The Committee's proposed AVAs are shown in **Exhibit C**. As of the date of this letter, eight of the Committee's 12 AVA petitions -for the expansion of the Paso Robles AVA and for the establishment of San Miguel District, Adelaida District, Paso Robles Willow Creek District, Santa Margarita Ranch, Creston District, El Pomar District, and Paso Robles Estrella District have been filed with the Alcohol and Tobacco Tax and Trade Bureau ("TTB"). The remaining four petitions -for the establishment of San Juan Creek, Templeton Gap, Paso

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Robles Canyon Ranch and Geneseo District - will be filed prior to the end of the comment period for the proposed Paso Robles Westside AVA.

While the mere filing of these 12 petitions is not, in and of itself, a comment for or against Paso Robles Westside, the evidence presented in the petitions demonstrates that petitioners' distinction between the proposed Paso Robles Westside AVA and the remainder of the Paso Robles AVA is insupportable and unjustifiable. Petitioners write on page one of their petition, "Paso Robles Westside AVA ... has its own geology and climate, and is distinguishable from the areas that remain outside of the proposed AVA (i.e., the eastern portion of the Paso Robles AVA)." The Notice of Proposed Rulemaking reiterates petitioners' alleged distinction: "Using the Salinas River as the dividing line, the petition compares and contrasts the viticultural differences between the east and west sides of the existing Paso Robles viticultural area." (72 Fed. Reg. 3089) As spelled out in more detail below, the Committee's research indicates that the geographic features such as climate, soils, elevation and physical features of the proposed Paso Robles Westside AVA do not distinguish the viticultural features of that area from the surrounding "eastside" areas. The Committee contends that the climatic, topographic, geologic, and soils information presented in the Paso Robles Westside petition and in the Notice of Proposed Rulemaking is insufficient, inaccurate, and does not support the establishment of an AVA with the proposed boundaries.

The Committee also contends that the name Paso Robles Westside is not known locally or nationally to refer to the proposed viticultural area. In fact, the name refers to a much smaller area than that proposed by petitioners, as petitioners' own evidence reveals. Much of the petitioners' Paso Robles Westside name evidence is confined to the city of Paso Robles. Some of it extends into the rural area west of the city, an area more commonly known as the Adelaida District. The name is completely misapplied and downright confusing in its extension south of Templeton (including Atascadero and points south) and north of Adelaida District around San Miguel. As such, the name Paso Robles Westside is confusing, misapplied and inappropriate .

. We respectfully request that, if *TTB* does not reject the proposed Paso Robles Westside AVA petition outright, the agency should consolidate the present rulemaking with its consideration of, and rulemaking on, the Committee's 12 AVA petitions that are referenced above and incorporated herein. In this way, *TTB*, consumers, the wine trade and the entire Paso Robles wine community will be assured that the future AVAs in this area will be coherent and consistent. Five of the Committee's AVA petitions....: San Miguel District, Adelaida District, Templeton Gap, Paso Robles Willow Creek District and Santa Margarita Ranch -lie wholly or partially inside the proposed Paso Robles Westside AVA, and a sixth petition for the expansion of the Paso Robles AVA covers an area adjacent to the proposed Paso Robles Westside AVA. Copies of five of these six petitions (excluding Templeton Gap) are attached as **Exhibits D-H** for ease of reference; a copy of the Templeton Gap AVA petition will be forwarded under separate cover prior

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to April 24. These petitions reveal important north to south distinctions that petitioners for the proposed Paso Robles Westside AVA have overlooked. By lumping together very diverse areas in a single AVA that runs 29 miles north to south, they include the warm, dry, Region III area of San Miguel District with the cold, wet, Region II area of Santa Margarita Ranch, and thereby lose any concept of viticultural distinctiveness, which is what AVAs must capture. Petitioners also rely on the Salinas River as the eastern boundary of the proposed Paso Robles Westside AVA, but the Committee's research, set forth in its AVA petitions, indicates that two proposed AVAs -San Miguel District and Templeton Gap -cross that boundary to the east, capturing similar viticultural features on both sides of the Salinas River. Finally, petitioners "stretch" the proposed name Paso Robles Westside just as they do the scientific data, applying that name to areas not known locally or nationally as Paso Robles Westside.

By consolidating in one rulemaking the proposed Paso Robles Westside AVA petition and the Committee's 12 AVA petitions, each petition can be considered fully in light of the others. This would include the Paso Robles AVA expansion petition which could impact directly the boundaries of the proposed Paso Robles Westside AVA.

.If TTB instead is inclined to proceed to a Final Rule on the proposed Paso Robles Westside AVA, we request that a public hearing be held. A public hearing is appropriate in light of the large number of comments, the significant controversy over the proposed Paso Robles Westside AVA and the considerable research conducted by the Committee on the geographical features, viticultural distinctiveness and name identifiers that apply within the Paso Robles AVA, including the proposed Paso Robles Westside area and the areas from which it allegedly is distinguishable ..

In conclusion, for all the reasons set forth below, the Committee urges TTB to reject the proposed establishment of a Paso Robles Westside AVA.

**I. Petitioner's Evidence and Arguments Regarding the Distinguishing Features of Proposed Paso Robles Westside AVA are Flawed and Deficient.**

The following point-by-point rebuttal of petitioners' evidence and arguments about the distinguishing features of the proposed Paso Robles Westside AVA has been authored by the Committee' expert, Professor Deborah L. Elliott-Fisk.

*My comments are written in OPPOSITION to the establishment of the proposed PASO ROBLES WESTSIDE AMERICAN VITICULTURAL AREA. I do not believe that the petition meets the requirements of section 9.3(b) of the TTB regulations, in that the proposed area does not possess geographic features (e.g., climate, soils, elevation, and other physical features) that distinguish it viticulturally from surrounding areas; it is not viticulturally distinctive.*

*The Paso Robles American Viticultural Area (established in 1983) is a very large grape-growing region within the even larger Central Coast AVA of California., The second paragraph of the Paso Robles Westside petition states "the proposed formation of the Paso Robles-Westside AVA seeks to differentiate the area further due 'to the more. advantageous growing conditions to the west of the Salinas River .... " This statement is based on a false premise, Neither the Salinas River nor State Highway 101 is any kind of a dividing line for distinctive grape growing conditions (as explained below).*

*Although there are strong differences in viticultural environments across the large Paso Robles AVA, they cannot be legitimately differentiated as a "Paso Robles Westside" and "Eastside," divided by the current channel of the Salinas River. The current course of the Salinas River is very recent, as well as dynamic, and controlled largely by tectonic (e.g., seismic) activity along the western edge of the San Andreas Fault zone. The Salinas River itself has not shaped the macro viticultural environments of a large "Westside" or an "Eastside," although it has influenced smaller areas on both sides of the Salinas River (e.g., the old Quaternary river terraces seen in San Miguel and Templeton, both west and east of the river). The Salinas River is not a dividing line for climate, for geology, for soils, for topography, for elevation, for landforms of different origins and ages, for natural vegetation, or for winegrape growing conditions.*

*The second paragraph of the Paso Robles Westside petition states "Specifically, the climate is cooler on the Westside of the Paso Robles AVA and the Westside contains soils unique to the area." This is simply not true. The third paragraph of the petition states that the proposed Paso Robles Westside AVA "has its own geology and climate, and is distinguishable from the areas that remain outside of the proposed AVA.... " This is also false. Data to falsify both of these statements are presented below.*

*My research shows that there are vineyards on the west and east sides of the Salinas River that have the same geographies (annual climate, growing season climate, soils, bedrock types, landform types and ages, hydrology) and the same growing conditions (vigor, rooting depth, drainage, growing-degree days, time to harvest). As discussed below, this is best exemplified by vineyards planted on both sides of the Salinas River near the towns of San Miguel (at the northern end of the proposed Paso Robles Westside AVA) and Templeton (in the central portion of the proposed Paso Robles Westside AVA). Vineyards near the town of Santa Margarita (in the southern portion of the proposed Paso Robles Westside AVA) are situated all to the west of the new channel of the Salinas River, which runs along a recently active strand of the Rinconada fault, but their vineyards sites and their soils (e.g., terroir) formed on both sides of the earlier Salinas River. Even the mountain vineyards of the Santa Lucia Range within the proposed Paso Robles Westside AVA are not unique within the larger Paso Robles AVA, as vineyards occur planted on the same bedrock types, alluvial terraces, and soil types east of the Salinas River within the Temblor Range/Cholame Hills in the northern part of the Paso Robles AVA, and within*

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*The La Panza Range in the southern part of the Paso Robles AVA.*

*I have done fieldwork (i.e., field-based research, followed by laboratory research) in the Paso Robles AVA since 1988, focusing on terroir, geomorphological history, vineyard soils, and their influence on viticulture. I have excavated soil trenches here and conducted physical and chemical analyses of soil profiles. I have worked both on AVA petitions and the influence of soils on wine characteristics since 1986, with many publications in refereed journals (see Elliott-Fisk, Deborah 1. 1993. Viticultural Soils of California, with Special Reference to the NapAVAlley. Journal of Wine Research, Vol. 4, No.2, pp. 67-77; Noble, A.C. and D.L. Elliott-Fisk. 1990. Evaluation of the Effects of Soil and Other Geographical Parameters. on Wine Composition and Flavor: NapAVAlley, California. pp. 37-45. Actualities Oenologiques 89, 4 Symposium International d'Oenologie. Paris: Dunod. 567 pp.). I have taught graduate courses on viticultural geography at UC Davis, where I have been a professor since 1981, as well as taught undergraduate and graduate courses on geomorphology, physical geography, climate change, Quaternary environments, field geography, biogeography, and other such topics.*

*For the last 14 months, I have been part of a team working with the Paso Robles AVA Committee to establish 11 new AVAs within the large Paso Robles AVA. We have completed and before April 24, 2007, will have filed all the petitions for these AVAs. My in-depth scientific research shows, for example, that (1) a proposed San Miguel District AVA is located both on the west and east sides of the Salinas River, with a warm region III climate of about 3,300-3,400 growing degree-days, and average annual precipitation of 11.4 inches; this region is warm, windy and dry, with the earliest maturation or ripening dates for wine-grapes in the Paso Robles AVA; (2) a proposed Templeton Gap AVA is located on both sides of the Salinas River, with a cool, region II climate of about 2,900 growing degree-days, and average annual precipitation of about 13.5 inches, with pronounced fog and sea breezes off the Pacific Ocean, and late maturation or ripening dates for winegrapes; and (3) a proposed Santa Margarita Ranch AVA located in the southern portion of the Salinas River Valley floor is a more mountainous climate, a cool to cold region II with about 2,700-2,900 growing degree-days and average annual precipitation of about 29 inches in this cold, damp environment, with late maturation of winegrapes. This north-south gradient through the proposed Paso Robles Westside AVA shows incredible diversity in vineyard geographies and viticultural environments, from an almost desert climate in the north to a maritime climate in the central portion to a cold, wet mountain climate to the south. This diversity in grape-growing conditions does not support the establishment of the proposed Paso Robles Westside area as viticulturally distinct. The proposed area instead is viticulturally diverse and certainly not viticulturally distinguishable from the surrounding areas.*

***Specific Comments on Geographical and Climatological Evidence Submitted in the Paso Robles Westside Petition***

1. *Petition. December 19, 2005. v. 3. I.B: "Paso Robles Westside" Is A Nationally Known Area.* In the last sentence of this paragraph, the petitioners state, "the climate and soil are more favorable for vineyards on the Westside, ..." This has absolutely no basis in scientific fact. Favorable is not defined, nor data provided to support the statement.

2. *Petition. December 19, 2005. p. 4. III.A: Physiography.* The petitioners state in this paragraph that "the Proposed Paso Robles Westside AVA is clearly distinct from the land located on the eastside of the Paso Robles AVA. See Attachment 10, ...Attachment 11, ...Attachment 12." Attachment 10 is a Soils Report prepared by Dr. Thomas Rice of California Polytechnic State University, San Luis Obispo, not a physiographic analysis as indicated by the header. Attachments 11 and 12 are articles by wineries and popular press. Dr. Rice's report is based on an analysis of the General Soil Map of the San Luis Obispo County Paso Robles Area (as modified by Cannon Associates), where soil series are grouped into complexes that occur on (1) alluvial plains, alluvial fans, and floodplains, (2) terraces, and (3) hills and mountains. Dr. Rice's report presents a summary table that shows that the percentages of these generalized soil complexes differs between the west and east sides of the Salinas River, with 85% of the soils in the proposed Paso Robles Westside area on hills and mountains, and only 39.5% of the soils east of the Salinas River on hills and mountains. Dr. Rice's report states below this table "In other words, more than 75% of the acreage on the Westside is comparable in terms of soil physiography, ..." I am puzzled by what this statement is intended to mean. I have never seen the term "soil physiography" used in the scientific literature: Soil scientists do discuss soils geomorphology (see Birkeland, Peter W 1999. Soils and Geomorphology. Oxford University Press), with the geomorphic variables of parent material, slope, time, and geological processes influencing soil formation. However, Dr. Rice's report does not discuss this. Dr. Rice's report infers that the proposed Paso Robles Westside area has more mountainous physiography, but this is neither stated nor discussed. Dr. Rice's report also is not specific to the locations where vineyards are planted.

Attachment 11 appears to be a wine tasting sheet for the Cinnabar 2000 Paso Robles Merlot. All it says about physiography is in the first paragraph: "The Salinas River divides the Paso Robles Appellation into two distinct (and rival) subregions -the western highlands and the slightly warmer, less fertile eastern plateau." This single statement has several problems: (1) highlands exist in the western, southern, eastern and northern parts of the large Paso Robles AVA, (2) the "eastern plateau" is not uniformly less fertile nor slightly warmer, and the descriptor plateau is incorrectly used. Our research with the Paso Robles AVA Committee shows that many areas to the east of the Salinas River are cooler than some areas to the west of the Salinas River. For example, the San Miguel District and Adelaida District areas are warmer (total growing degree

*Days) than the El Pomar District (located east of the Salinas River) and the Templeton Gap area (located on both sides of the Salinas River). The San Miguel District also is warmer than the Creston District and the Paso Robles Estrella District (both east of the Salinas River). We also know that soil fertility varies greatly throughout the Paso Robles AVA as a function of paleoclimates, time, natural vegetation, and geomorphic processes.*

*Attachment 12, a short on-line article in Decanter on "Sensational Syrah" written by Stephen Brook, does not state anything relevant to physiography in the Paso Robles area. The two statements in the article that refer to Paso Robles are to the 1975 plantings made by Gary Eberle and to statements made by Justin Smith on his family's James Berry Vineyard, both of whom are members of the Paso Robles AVA Committee and have submitted comments in support the .Committee 's proposed 11 viticultural areas and in opposition to the proposed Paso Robles Westside AVA.*

*3. Petition. December 19, 2005, p. 4. III.A.1: Topography. The petitioners again use an article from the popular press as their only source of scientific information (Attachment 13), discussing "the unique topography of Paso Robles Westside,}} where the author Steve Heimoff states "Where the east is as flat as a billiard table, making it convenient for large, contiguous vineyards, in the west the hills rise abruptly .... It's in these remote hills, valleys and benchlands ... " The article has some interesting and valid observations, including comments on the Templeton Gap and Adelaida Hills areas, but the statements quoted above by the petitioners are inaccurate: the east is not as flat as a billiard table. In fact, the central photo on the title page of the article is taken from a hilltop east of the Salinas River on the Steinbeck Vineyards. Local relief exceeds 1,000 feet in places to the east of the Salinas River, and the landscape is one of deeply incised stream canyons, old erosional benches, old rolling hill and terraces, and narrow floodplains. A physiographic analysis of the areas to the east of the Salinas River reveals that the topography is highly dissected, not as "flat as a billiard table. " Hills "rise as abruptly" to the east of the Salinas River as they do to the west of the Salinas River.*

*4. Petition. December 19, 2005, p. 4-5. IIIA.2: Soil and Bedrock Geology. Even the sub-header (soil and bedrock geology) is incorrect here, as "soil" does not modify "geology." The petitioners state on p. 5, "Although some of the same soils appear throughout California, it is not uncommon for soils located in different AVAs to be similar. It is well known that 'climatic conditions [sic] govern what types of grapes are grown and what wines excel, rather than the soils and their exposure to the sun. "' No data are provided to support these statements. There are not many soil series that occur throughout the state of California. That is the exception, rather than the rule, as soil series type changes with climate, biota, relief parent material and time, and all of these variables change significantly west to east and north to south across California's deserts, grasslands, Mediterranean shrublands, forests, woodlands, and wetlands. Petitioners' second statement about climate governing where certain varieties of grapes are grown*

*rather than soils shows a general ignorance of both the scientific literature and the popular press. For the last 20 or more years, the focus on where to plant and produce the best varieties has been on terroir, an integrative concept introduced by the French wine-growers that relates to the climate, soil, topography, underlying geology, and ecology of the vineyard site. Soils are very much an influence on where different varieties are grown, as they impact vine vigor, fruit yield, and fruit characteristics (see Noble, A. C. and D.L. Elliott-Fisk. 1990. *Evaluation of the Effects of Soil and Other Geographical Parameters on Wine Composition and Flavor: NapAVAlley, California*. pp. 37-45. Actualities Oenologiques 89, 4 Symposium International d'Oenologie. Paris: Dunod. 567 pp.; Noble, A.C, Elliott-Fisk, DL, and MS. Allen. 1995. *Vegetative flavor and methoxypyrazines in Cabernet Sauvignon*. In: *Fruit Flavors*. Vaudour, E. 2002. *The Quality of Grapes and Wine in Relation to Geography: Notions of Terroir at Various Scales*. *Journal of Wine Research*. vol. 13, pp. 117-141.)*

5. Petition, December 19, 2005. p. 4-5, IIIA.2: Soil and Bedrock Geology. *In the last sentence of the first paragraph, the petitioners state that in the coastal ranges, "soils are implausibly erratic because California's geologically young Coast Ranges are endlessly rearranging themselves." They attribute this colloquial statement to wine writer Hugh Johnson. The statement is false. If "soils [were] implausibly erratic" in their occurrence, we could neither map them (e.g., the map-based analysis Dr. Rice has done for the petitioners) nor predict their occurrence, which we can easily do. Soil types can be both predicted, mapped, and then verified based on them being a function of climate, biota, relief, parent material and time. Because extensive mapping of climates, biota (such as natural vegetation), and surficial geology has been done, we can first predict soil type (soil series or soil complex) for a particular site or region, then modify that prediction based on time and relief*

6. Petition, December 19, 2005. D. 4-5. IIIA.2: Soil and Bedrock Geology. *In the second paragraph, the petitioners state "Nevertheless, the studies demonstrate that the soils contained in the Proposed Paso Robles Westside AVA are unique to that area." This statement is false. Not a single soil series mapped as occurring within the proposed Paso Robles Westside AVA is unique (i.e.; only occurs in that area). The most common soil type planted to vineyards is the Linne-Calodo complex of bedrock and alluvial derived soils from the Monterey formation of siliceous and calcareous sandstones and shales. The 1928 soil survey of Paso Robles states that the Linne soil is the most common soil throughout the Paso Robles area (e.g., the northern half of San Luis Obispo County, encompassing the entire Paso Robles AVA). Our research on the 11 AVAs proposed by the Paso Robles AVA Committee shows that the Linne-Calodo soils are also very common on the east side of the Salinas River east of Templeton (in our proposed Templeton Gap AVA), and in the El Pomar District, and also occur in the SanMiguel District, Paso Robles Estrella District, Creston District, Paso Robles Canyon Ranch, and Santa Margarita Ranch AVAs. Later in this paragraph, the petitioners cite an excerpt from Dr. Rice's report that describes these soils. While I do not agree with the use of some geological terms in this excerpt, the overall*



*content of the statements is true. What is not included in this description of soils is that the alkalinity (high pH values) of many of the soils is not a function of soil parent material, but a function of aridity throughout the last one million years or more as these soils formed, and calcium carbonates (caliche) were precipitated in the soil horizons. In conclusion, petitioners state in the last sentence of this section that "The unique soils located in the Proposed Paso Robles Westside AVA justify a separate and distinct AVA. " This is not true, as the soils are not unique, they occur both west and east of the Salinas River in the Paso Robles AVA, and elsewhere along the California coast.*

*7. Petition. December 19, 2005. D. 4-5. IILA.2: Soil and Bedrock Geology. In the next paragraph, the petitioners state "The calcareous soils are "very rare in California" and "what singles out the Westside." The Linne-Calodo soil complex as described in (6) above is not rare in California, not rare in the Central Coast AVA, and not rare in the Paso Robles AVA. It is the most common soil complex in the entire Paso Robles AVA formed from the Monterey Formation parent material, which occurs along much of the California coast, from Point Reyes north of San Francisco, south to San Diego.*

*8. Petition. December 19, 2005. D. 5-6. IILB.I: The Climate of the Proposed Paso Robles Westside AVA is Different From the Eastside of the Paso Robles ABA (sic). Section 1. Mountain Ranges and the Pacific Ocean. In the second sentence, the petitioners state "there are two primary influences that dominate the weather in California: the mountain ranges and the Pacific Ocean." What is obvious from this sentence is that this statement was not made by a natural scientist (e.g, climatologist, meteorologist, geographer, or agronomist). The primary control of climate in California is first and foremost latitude, then secondary the west coast position of the State, with both of these controls giving most of the State a Mediterranean (Koppen and Geiger, 1962) "C" climate, with wet" winters and dry summers. Maritime (marine) and orographic influences are secondary, but both are important for the entire Paso Robles AVA and thus also for the proposed Paso Robles Westside area.*

*9. Petition. December 19, 2005. D. 6. III.B.1: The Climate of the Proposed Paso Robles Westside AVA is Different From the Eastside of the Paso 'Robles AVA. Section 1. Mountain Ranges and the Pacific Ocean. The petitioners state in the next sentence, in reference to the Paso Robles AVA, that "experts agree that there is a distinct dividing line that differentiates the climates between the Westside and the Eastside. " Petitioners, however, provide no expert statements to support this assertion. In my research on the climate of the Paso Robles AVA, working with all available published and unpublished data, I have found no evidence of this. Nor have I seen any expert state this in the academic literature. Anyone knowledgeable about climatology would immediately discount this statement as false. Climates change along gradients in latitude, longitude, maritimelcontinental position, elevation, orographic position, and other such physical parameters. This is why it is so' difficult to draw AVA boundaries based solely upon*

*climatic criteria.*

*In lieu of expert reports on climate, the petitioners rely on quotes from the popular press and winery marketing materials. These include a newspaper article from the Chicago Tribune (1994) by Patrick Fegan (a wine writer and Director of the Chicago Wine School). Fegan states "[a] rough dividing line is U.S. Highway 101: West of it, up to the mountains, is a moderately warm zone with good rainfall (25-35 inches per year; land east of the highway is definitely hotter and drier, with as little as 10 inches per year .... " This statement is false, and I do not know on what it is based. It is not based on weather and climate data. As noted earlier, my climate analysis for the Paso Robles AVA shows the San Miguel District area (both west and east of the Salinas River and State Highway 101) to be very dry (11.4 inches of precipitation the annual average value), as is the area around the town of Templeton (about 13.5 inches of precipitation the annual average value). Thus, parts of the proposed Paso Robles Westside AVA received considerably less than the 25-35 inches of rainfall per year Mr. Fegan states is present. Parts of the proposed Paso Robles Westside area are also very cool (e.g., Santa Margarita and parts of the Paso Robles AVA Committee's proposed Paso Robles Willow Creek District), not what I would refer to as "a moderately warm zone" as Mr. Fegan does. Mr. Fegan goes on to state that the area east of Highway 101 (not the Salinas River) is "definitely hotter and drier, with as little as 10 inches per year." This is also not true. As noted above, the area of the Paso Robles AVA Committee's proposed Templeton Gap AVA east of the Salinas River and its proposed El Pomar District AVA are cooler than the proposed Adelaida District and San Miguel District AVAs. Average annual precipitation in the proposed El Pomar District, Creston District, Paso Robles Canyon Ranch, Paso Robles Estrella District, and Geneso District (all located to the east of the Salinas River) is higher than in San Miguel in the northern portion of the proposed Paso Robles Westside AVA. San Miguel is in a pronounced rainshadow on the lee side of a high portion of the Santa Lucia Range crest, and is very dry and warm. The descriptive comments by Mr. Fegan and the petitioners are simply incorrect and not based on scientific data or a knowledge of the local climate.*

*The statement attributed to Mr. Fegan that the Paso Robles AVA "sports different macroclimates" is partially true, in that two macroclimates do exist within the Paso Robles AVA. However, these two macroclimates are not divided by the Salinas River or State Highway 101. The majority of the Paso Robles AVA is classified as the Koppen-Geiger Csb (Mediterranean summer warm climate), but the far eastern area of San Juan Creek and Paso Robles Canyon Ranch (east and south of Shandon) has a Csa (Mediterranean hot summer) climate. Finally, Mr. Fegan states that "the 'Templeton Gap,' a wind tunnel that follows California Highway 46 east, [brings] low-temperature Pacific air from the coast to just past the city of Templeton, a distance of 30 miles." Our climatic analyses show that the sea breeze that flows through the low mountain passes west of and above Templeton settle first in the Templeton Gap AVA and then, depending*

*on the depth of the marine layer, can extend into our proposed El Pomar District, Creston District, Geneseo District, and Paso Robles Estrella District.*

*Petitioners provide two other statements in support of their assertion, one attributed to Troquato for Cinnabar Vineyards and the other to Decanter magazine. Both these statements are ambiguous and unjustified. There are not "two distinct (and rival) subregions" within the Paso Robles AVA divided by the Salinas River -a western highland area and a warmer! less fertile eastern plain. Our research clearly shows 11 distinctive, potential AVAs that do not rely on the river as a common boundary. Contrary to what Troquato states, the vineyards both west and east of the Salinas River are planted at a variety of elevations from about 700feet to 2,000 feet above sea level, on both sides of the Salinas River.*

*10. Petition. December 19, 2005. p. 6-7. IIIB.1: The Climate of the Provosed Paso Robles Westside AVA is Different From the Eastside of the Paso Robles AVA. Section 2. Rainfall. The two. sentences of this section of the petitions state that "The rainfall in the Westside is substantially higher than the Eastside. On average, the Westside receives 45% more rain annually than the Eastside. " The petitioners present annual rainfall data from 1970-1997 for two weather stations: The Paso Robles Airport (elevation 760 feet), within our proposed Paso Robles Estrella District AVA, and data from what they state as a Templeton weather station at 1,380 feet; the location of this station is not given. Although the Templeton weather station consistently receives more rainfall than the Paso Robles Airport Station (as would be expected based simply upon their respective elevations), no mention of rainfall records from any other weather stations either west and east of the Salinas River is made. As we noted earlier, the San Miguel area to the west of the Salinas River and within the proposed Paso Robles Westside AVA is much drier, receiving less precipitation, than the Paso Robles Airport to the east of the Salinas River. Weather stations within the town of Paso Robles and at lower elevations around the town of Templeton also receive much less precipitation (1214 inches) than the Templeton station at higher elevations listed in the petition. Petitioners' rainfall tables have two columns for "variance," but that is not what they have calculated here, so the table is in error. The chart that follows; plotting east-west Paso Robles rainfall, is nonsensical, appears to show only a curve for their Templeton station, and provides no relevant or comprehensible evidence. Petitioners' last table on climate is even more puzzling. It presents what petitioners' state is growing degree days from April 1 to June 13 for five weather stations that I believe are Paso Robles Wine Country Alliance weather stations listed on that group's website for all members to access. I am puzzled as to why the petitioners did not calculate growing degree-days for the entire growing season, i.e., the standard period of April 1-October 31. What their data show (if they are correct) is that during spring (April 1 through June 13) in some years, areas to the east of the Salinas River are even cooler than to the west of the Salinas River, such as the 2000 and 2005 data show for Creston (east) vs. Templeton (west). This table is really of no value in differentiating the viticultural climate of the proposed Paso Robles*

*Westside area from surrounding areas. In fact, it contradicts some of petitioners' statements that the areas to the west of the Salinas River are cooler than areas to the east.*

11. Notice of Proposed Rule-Making, Distinguishing Features, third paragraph and table that follows it. *The notice language should be corrected to state that the report prepared by Dr. Thomas Rice is a map-based analysis of the soils of the Paso Robles area, as depicted in the small-scale General Soils Map of the Paso Robles Area of San Luis Obispo County. The tables in Dr. Rice's report and the full petition clearly state this. A topographic or geomorphological analysis was not presented in this report. Some soil series occur on more than one landform type/landform age, so it is presumptuous to make the soil types equivalent to topographic units. It is my professional opinion as a geomorphologist that the above-mentioned General Soil Map does not accurately distinguish alluvial fans (of varying ages) from alluvial terraces, from erosional benches, from landslide deposits, and from colluvial hillsides. For example, Unit 9 on the General Soil Map is for the Linne-Calodo Soils. These soils are found extensively across alluvial terraces, as well as in the hills and mountains. In the Paso Robles AVA region, it is very hard to discern some older alluvial terraces from what the map refers to as hills. The terms hills and mountains are not defined.*

12. Notice of Proposed Rule-Making, Climate, . third paragraph. *The notice states "Informational material from the Cinnabar Vineyards and Winery included with the petition takes note of the Templeton Gap, a pass in the Coast Range that draws the cooling Pacific marine layer inland, lowering afternoon temperatures in the western region of the Paso Robles area." It should be noted that Templeton Gap is not "a pass in the Coast Range." Local residents and winegrowers refer to the Templeton Gap as the area into, which the coastal maritime influences flow first, coming through a section along the range crest where there are several lower elevation wind and water gaps (none of which are labeled with formal place names on the US G.S topographical maps).*

13. Notice of Proposed Rule-Making, Soils, third paragraph. *Many of the soils to the east of the Salinas River on old alluvial terraces and hillsides are alkaline at depth, with pH values of 7.4-8.8. Some of them are alkaline at the surface as well, and have high values of calcium, just like the soils to the west of the Salinas River. This is clearly seen in reading the Soil Survey of San Luis Obispo County, Paso Robles Area, California (1978, USD.A. Soil Conservation Service), and in field and laboratory data for these soils. Dr. Rice's statement is too general for the east area and inaccurate. Again, there are soils that are identical in their characteristics along floodplains, on alluvial fans, on river terraces of varying ages, and on hillsides both west and east of the Salinas River, as the soil survey volume noted above very clearly shows. '*

14. Notice of Proposed Rule-Making, Soils, fourth paragraph. *An error has been made in the wording in the notice, where "soil physiology" had been substituted for "soil physiography"*

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*from the petition and Dr. Rice's report. On page 2 of the report, it states "more than 75% of the acreage on the Westside is comparable in terms of soil physiography" (which can be loosely translated to soil-landform complexes, as soil physiography is itself an improper scientific term, as stated earlier). The notice instead says "soil physiology" in two places, in error.*

*15. Petition. December 19, 2005. p. 8: Summary. The single sentence in this summary that the "Proposed Paso Robles Westside AVA, currently a part of the Paso Robles AVA, is unique and distinguishable from the area lying in the Eastside of the Paso Robles AVA" is NOT supported by the evidence submitted by petitioners, or by scientific fact. The proposed Paso Robles Westside AVA is NOT unique or distinguishable. Petitioners' submission of their own description, sparse scientific data and analysis, and a few articles from the popular press do not show that the proposed viticultural area is distinct from surrounding areas.*

*The Paso Robles AVA Committee's much more in-depth, intensive and extensive analysis of scientific data on topography, geology, geologic history, geomorphology, soils, climate, hydrology, and natural vegetation shows the large Paso Robles AVA to be very diverse viticulturally, and best divided into a series of smaller AVAs north to south and east to west, with the Salinas River not the common defining boundary. The proposed Paso Robles Westside AVA makes no sense from a historical, geographical, or viticultural perspective, and is very artificial. The flawed and deficient petition does not support the establishment of the proposed Paso Robles Westside AVA.*

***Diversity of viticultural areas with the Paso Robles AVA.** The report that I prepared for the Paso Robles AVA Committee entitled "Geographical and Viticultural Diversity of the Paso Robles AVA," which is included in each of the Committee's 11 AVA petitions (see, for example, pages 9-18 of **Exhibit D**) indicates the factors that are most pertinent to the proposed Paso Robles Westside AVA. In particular, **Table 1** referenced in that report and attached to each of the Committee's 11 AVA petitions highlights the differences in the physical geography or environments that contribute to the viticultural distinctiveness of each of the Committee's proposed 11 AVAs, and **Table 2** is a more complete explanation of the climatic differences. These tables and my report show that a proposed Paso Robles Westside AVA combines widely divergent areas with widely diverse viticultural features .. In conclusion, the Paso Robles Westside petitioners have failed to demonstrate that the proposed AVA has viticulturally distinctive features in relationship to the surrounding areas.*

*by Deborah L. Elliott-Fisk*

## **II. Petitioner's Evidence and Arguments Regarding the Name of the Proposed Paso Robles Westside AVA are Flawed and Deficient.**

The Committee presents the following point-by-point rebuttal of petitioners' evidence and arguments regarding the name of the proposed Paso Robles Westside AVA.

### ***Specific Comments on Name Evidence Submitted in Paso Robles Westside Petition***

Petitioners state that "Locally, Paso Robles is commonly known to have both an Eastside and a Westside." (page 2, Section LA, first sentence.) Petitioners cite to references by local residents and the press to these distinctive areas "**when describing locations within the city.**" (Page 2, Section LA, second sentence, emphasis added.) These references, by petitioners' own admission, are to locations inside the City of Paso Robles and provide no support for the application of the name Paso Robles Westside to any areas outside of the city. In fact, they prove that the term "Paso Robles Westside" refers locally to an area inside the city limits. For example, the "Bothersome Bottleneck" article in petitioners' Attachment 3 refers to the Niblick Bridge in the center of the city of Paso Robles. The article states that "customers and employees commuting between the west and east sides of Paso Robles have endured continuing delays .... The business impact on retailers in the area has been mixed." This clearly refers to downtown Paso Robles, not the 29 mile north-to-south reach of the proposed Paso Robles Westside AVA.

The same point applies to petitioners' "Paso's Westside" real estate advertisement (Attachment 4) which states that the home in the advertisement is "within walking distance of downtown." We called the owner of another "House for Rent" in "Westside" (petitioners' Attachment 4), Mr. Stephen Hammer, to determine the location of that rental home. Not surprisingly, it is inside the city limits. (See accompanying declaration of Natacha Resnikoff in **Exhibit I.**) Additionally, petitioners' Attachment 6 includes an excerpt of the December 16, 2003 General Plan Update, which refers to "the Westside of the Downtown Area."

Even within the City of Paso Robles, Westside does not always mean west of the Salinas River. One of petitioners' exhibits in Attachment 3 (Decanter, December 2004) states that the east-west dividing line is Highway 101, not the Salinas River.<sup>1</sup> Petitioners' exhibit about the City's water and sewer billings for "East Side" and "West Side" reveals a more complicated boundary than petitioners have suggested with their selective omission of the remainder of the area's description. "The "West Side" billing area, in fact, proceeds far east of the Salinas River. (See attached Exhibit J, where we have plotted the water-sewer boundaries referenced in petitioners' Attachment 3).

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<sup>1</sup> While Highway 101 and the Salinas River are largely coterminous in the northern portion of the Paso Robles AVA, Highway 101 and the Salinas River diverge significantly south of the town of Templeton.

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Admittedly, there are other exhibits in petitioners' various Attachments that use the "Westside" name to refer to areas outside the City of Paso Robles. We have plotted each of the referenced locations on our **Exhibit K** to show that they are all centered in and around Paso Robles and north of the town of Templeton, not south of the town of Templeton and not north of Adelaida District. Petitioners' own evidence suggests that even the area west of Templeton is not commonly referred to as Paso Robles Westside. For example, Attachment 3 includes the following reference:

[http://cesanluisobispo.ucdavis.edu/newsletterfiles/Grape\\_Notes4190.pdf](http://cesanluisobispo.ucdavis.edu/newsletterfiles/Grape_Notes4190.pdf)  
*UC Davis article, includes Paso Westside and Templeton Westside studies info 2003*

The web page referenced by the above address is an article entitled "Syrah disorder and 2003 survey results," published in December, 2003, by the University of California Cooperative Extension and the County of San Luis Obispo. Above Figure 1, the article states that "[t]here were a total of 18 plantings reported on in the cooler areas of Templeton Westside, Santa Rita Hills, Santa Maria, and Paso Westside [...]." "Paso Westside" is thus considered to be a different area than "Templeton Westside."

Some of petitioners' evidence suggests that Paso Robles Westside is the same area as the Committee's proposed Adelaida District AVA. In Attachment 6, petitioners refer to the web site of Hugh Pitts –RE/MAX Parkside Real Estate, [www.hughpitts.com](http://www.hughpitts.com). The homepage of this website states: "Welcome to the area West of Paso Robles known as the Adelaida. Visit once and you'll understand why it is considered by many to be the most desirable location in the North County. The Westside is known for its rolling hills and valleys and a micro-climate of warm afternoons and cool evenings that make it a prime appellation for a variety of grapes." (Emphasis added.)

This is consistent with Steve Heimoff's view in his article, "The West Side Story" ([Wine Enthusiast](#), October, 2005, petitioners' Attachment 13), also relied upon by the petitioners. Heimoff writes: "Western Paso Robles, though, is another ballgame. Where the east is flat as a billiard table, making it convenient for large, contiguous vineyards, in the west the hills rise abruptly. Referred to locally as the Adelaida Hills (not to be confused with Australia's Adelaide Hills), they're part of the Santa Lucia Mountains, which span 140 miles from Carmel Bay through San Luis Obispo." Heimoff continues in the same paragraph: "It's in these remote hills, valleys and benchlands, as well as in a more southerly and even cooler area, called the Templeton Gap, that the Westside Rhonistes work." Never does Heimoff venture farther north or south.

These references to petitioners' own exhibits reveal considerable confusion about the location of Paso Robles Westside. The area is often used for an unspecified area inside the city limits. In its broader usages, the name reaches outside the city into Adelaida District and occasionally south to Templeton Gap, to an area that petitioners' own evidence calls Templeton Westside. The name "Paso Robles. Westside" is completely misapplied and downright confusing

in its extension south of Templeton or north of Adelaida District. In conclusion, the name evidence cannot support a finding that "Paso Robles Westside" is locally or nationally known as referring to the area of the proposed Paso Robles Westside AVA. Instead, the term is confusing in addition to being viticulturally meaningless.

***Comment in Response to TTB's Request for Comment on Use of "Paso Robles" in Name of Proposed Viticultural Area Located Within "Paso Robles" AVA***

The Paso Robles AVA Committee does not object to the use of the term "Paso Robles;" in the name of a proposed new viticultural area, so long as such proposed AVA is located wholly within the existing Paso Robles AVA. There is precedent for such conjunctive use in numerous established AVAs, such as the Oak Knoll District of Napa valley AVA within the Napa Valley AVA, the Green Valley of Russian River Valley AVA within the Russian River Valley AVA, the Fredericksburg in the Texas Hill Country AVA within the, Texas Hill Country AVA, and The Hamptons, Long Island AVA and the North Fork of Long Island AVA, both within the Long Island AVA.

We also concur with TTB' s view that "Paso Robles Westside" would be the name of viticultural significance should TTB determine, contrary to the arguments set forth herein and despite the flawed and deficient evidence submitted by petitioners, that the petitioners have presented sufficient evidence to warrant the establishment of the proposed Paso Robles Westside AVA. The term "Westside" is a descriptive modifier that does not have meaning absent the geographical term that it is modifying. None of this, however, overcomes the fact that the proposed name is confusing and does not apply to the area proposed.

**III. TTB Should Reject the Proposed "Paso Robles Westside" AVA.**


The Paso Robles AVA Committee's research indicates that the geographic features such as climate, soils, elevation and physical features of the proposed Paso Robles Westside AVA do not distinguish the viticultural features of that area from the surrounding areas. The climatic, topographic, geologic, and soils information presented in the Paso Robles Westside petition and in the Notice of Proposed Rulemaking are insufficient and inaccurate. Additionally, the name Paso Robles Westside is not known locally or nationally to refer to the proposed viticultural area. In fact, the name refers to a much smaller area than petitioners' proposed AVA. The name typically refers to a portion of the city of Paso Robles and sometimes the rural area surrounding the city of Paso Robles to the west, which rural area is more commonly known as Adelaida District. The name Paso Robles Westside is completely misapplied as far north (in and around San Miguel) and as far south (south of Templeton) as petitioners claim. This makes the use of the name for petitioners' proposed AVA inappropriate and confusing. For all of these reasons, the proposed Paso Robles Westside AVA should be rejected.

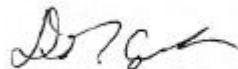


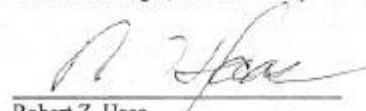
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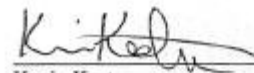
Respectfully submitted,

  
\_\_\_\_\_  
Jerry Lohr  
Chairman, Paso Robles AVA Committee  
President, J. Lohr Winery

  
\_\_\_\_\_  
Justin C. Baldwin  
Vice-Chairman, Paso Robles AVA Committee  
President, Justin Vineyards & Winery

  
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Dennis T. Collins  
Director, Paso Robles AVA Committee  
General Manager, Treana Winery

  
\_\_\_\_\_  
Robert Z. Haas  
Director, Paso Robles AVA Committee  
President, Tablas Creek Vineyard

  
\_\_\_\_\_  
Kevin Kester  
Director, Paso Robles AVA Committee  
President, Bear Valley Ranch & Vineyards

**NOTE: The exhibits are not attached. They may be viewed at the TTB's Public Reading Room. See TTB Notice 71.**

### **EXHIBIT LIST**

- A. Curriculum Vitae of Deborah Elliott-Fisk, Professor at University of California at Davis
- B. Curriculum Vitae of Donald Schukraft, Western Weather Group, LLC
- C. Map of Committee's 11 Proposed AVAs
- D. Petition to Establish the "San Miguel District" AVA (attached separately)
- E. Petition to Establish the "Adelaida District" AVA (attached separately)
- F. Petition to Establish the "Paso Robles Willow Creek District" AVA (attached separately)
- G. Petition to Establish the "Santa Margarita Ranch" AVA (attached separately)
- H. Petition to Expand the "Paso Robles" AVA (attached separately)
- I. Declaration of Natacha Resnikoff
- J. "West Side" billing area/water-sewer boundaries
- K. Locations of Wineries, Businesses and Locations Identified in Petition for Paso Robles Westside AVA (as plotted ort Exhibit B to Paso Robles Westside Petition)