



## **DEPARTMENT OF THE TREASURY**

### **Alcohol and Tobacco Tax and Trade Bureau**

#### **27 CFR Part 9**

**[Docket No. TTB-2023-0012; T.D. TTB-204; Notice No. 230]**

**RIN 1513-AD07**

### **Establishment of the Nashoba Valley Viticultural Area**

**AGENCY:** Alcohol and Tobacco Tax and Trade Bureau, Treasury.

**ACTION:** Final rule; Treasury decision.

**SUMMARY:** The Alcohol and Tobacco Tax and Trade Bureau (TTB) establishes the approximately 18,367-acre “Nashoba Valley” American viticultural area (AVA) in Worcester County, Massachusetts. The Nashoba Valley viticultural area is not located within, nor does it contain, any other established viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase.

**DATES:** This final rule is effective [INSERT DATE 30 DAYS FROM DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone 202-453-1039, ext. 175.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background on Viticultural Areas**

###### *TTB Authority*

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations

for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). In addition, the Secretary of the Treasury has delegated certain administrative and enforcement authorities to TTB through Treasury Order 120-01.

Part 4 of the TTB regulations (27 CFR part 4) authorizes TTB to establish definitive viticultural areas and regulate the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

#### *Definition*

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features as described in part 9 of the regulations and, once approved, a name and a delineated boundary codified in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to the wine's geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an

AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

### *Requirements*

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and allows any interested party to petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions to establish or modify AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA;
- If the proposed AVA is to be established within, or overlapping, an existing AVA, an explanation that both identifies the attributes of the proposed AVA that are consistent with the existing AVA and explains how the proposed AVA is sufficiently distinct from the existing AVA and therefore appropriate for separate recognition;
- The appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

## **Nashoba Valley Petition**

TTB received a petition from the Justin Pelletier, Chief Operating Officer and Quality Control Manager of Nashoba Valley Winery, proposing the establishment of the “Nashoba Valley” AVA in Worcester County, Massachusetts. The proposed Nashoba Valley AVA covers approximately 18,367 acres and is not located within any other AVA. There are three commercial vineyards covering a total of approximately 16 acres within the proposed AVA.

According to the petition, the distinguishing features of the proposed AVA include its soils and climate. The petition states that most of the soils within the proposed Nashoba Valley AVA have a parent soil of supraglacial till, subglacial till, alluvial deposits, and glaciofluvial deposits. The most common soils in the proposed AVA belong to the Paxton soil series and comprise approximately 21 percent of the soils in the AVA. These soils are well-drained loamy soils and are moderately deep to very deep. The petition states that well-drained soils aid in minimizing fungal infections and rot. Additionally, the soil depth allows for unobstructed root growth, as roots can penetrate moderately deeply before hitting denser soils and very deeply before touching bedrock.

Throughout the growing season, average monthly temperatures within the proposed Nashoba Valley AVA range from a low of 47 degrees Fahrenheit (F) to 72 degrees F. July is typically the warmest month when the average high temperature is 82 degrees F. The proposed Nashoba Valley AVA has an

average of 1,697 growing degree days (GDDs)<sup>1</sup> calculated in degrees Celsius,<sup>2</sup> which places it in Region III of the Winkler system. According to the petition, the warm climate within the proposed AVA is suitable for growing grape varieties such as Albarino, Cabernet Franc, Chardonnay, Riesling, and St. Croix, among others.

The petition also states that wind is another climate feature that affects viticulture. Between March and May, when grapevines begin producing buds, shoots, and flowers, average wind speeds in the proposed AVA range from 6.6 to 4.7 miles per hour. According to the petition, light winds during this period reduce the risk of frost damage to new growth. However, stronger winds can damage shoots and buds, leading to a smaller grape harvest. During the summer months of June to August, when increased humidity and rainstorms are common, average wind speeds range from 4.2 to 3.9 miles per hour. The petition states that these summer winds reduce the time needed for vineyards to dry and thus lessen the chance for molds and mildews to form.

To the immediate north of the proposed Nashoba Valley AVA are Fort Devens and the Bolton Flats Wildlife Management Area, which are not available for commercial viticulture. Farther north, the soils are not as well-drained as those of the proposed AVA, average wind speeds are lower, and average GDD accumulations are lower and in the Region II Category. East of the proposed AVA, the soils have a high water table and are not as well-drained as soils within

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<sup>1</sup> See Albert J. Winkler, *General Viticulture* (Berkeley: University of California Press, 1974), pages 61–64. In the Winkler climate classification system, annual heat accumulation during the growing season, measured in annual Growing Degree Days (GDDs), defines climatic regions. One GDD accumulates for each degree Celsius that a day's mean temperature is above 10 degrees C, the minimum temperature required for grapevine growth. The Winkler scale regions are as follows: Region Ia, 850–1,111 GDDs; Region Ib, 1,112–1,389 GDDs; Region II, 1,390–1,667 GDDs; Region III, 1,668–1,944 GDDs; Region IV, 1,945–2,222 GDDs; Region V, 2,223–2,700 GDDs.

<sup>2</sup> Unless otherwise noted, all GDD accumulations listed in this document are in degrees Celsius.

the proposed AVA. Annual GDD accumulations east of the proposed AVA are slightly higher but still within the Region III category, while average monthly wind speeds are also higher. South of the proposed AVA, the region is largely urban with little land available for commercial viticulture. Annual GDD accumulations are within the Region II category, and average monthly wind speeds are slightly lower than within the proposed AVA. West of the proposed AVA, soils are shallower and have a slow water infiltration rate. Annual GDD accumulations are within the Region II category, and average monthly wind speeds are slower than within the proposed AVA.

## Notice of Proposed Rulemaking and Comments Received

TTB published Notice No. 230 in the **Federal Register** on January 5, 2024 (89 FR 721), proposing to establish the Nashoba Valley AVA. In the notice, TTB summarized the evidence from the petition regarding the name, boundary, and distinguishing features for the proposed AVA. The notice also included information from the petition comparing the distinguishing features of the proposed AVA to the surrounding areas. For a detailed description of the evidence relating to the name, boundary, and distinguishing features of the proposed AVA and for a detailed comparison of the distinguishing features of the proposed viticultural area to the surrounding areas, see Notice No. 230. In Notice No. 230, TTB solicited comments on the accuracy of the name, boundary, and other required information submitted in support of the petition. The comment period for Notice No. 230 closed on March 5, 2024.

In response to Notice No. 230, TTB received five comments. Four of the comments explicitly support the establishment of the proposed Nashoba Valley AVA, and some provide additional views of the distinctive characteristics of the region. One commenter (comment 2) notes that the climate, soil composition, and daily sunlight of the region have discernible effects on the products of the Nashoba Valley and that the AVA will help distinguish regional wines from wines from vineyards with different conditions across the State. Another (comment 3) highlights the distinctive soil that makes the land in the AVA area unique and notes that wines from the region have already been recognized in magazines such as *Wine Enthusiast* and *Food and Wine*.

The fifth commenter (comment 1) states that they generally support the establishment of the Nashoba Valley Viticultural Area and agrees that the petition demonstrated the distinctiveness of the terroir of the proposed AVA. The

commenter further states that the petition would be stronger with more evidence of the area's "national distinctiveness," and questions whether there is sufficient "national recognition of the proposed area by the wine industry and consumers." The commenter states that the proposal would benefit from additional evidence of "national distinctiveness" and that the petitioner could supplement the record by providing references to the Nashoba Valley and its wine production from "historical documents, newspapers, magazines, books, or websites" or conduct surveys with "wine experts, retailers, or consumers outside the local area to gauge their awareness and perception of the Nashoba Valley name and wines."

While TTB agrees that additional evidence could lend further support to the petition, TTB believes that the evidence submitted is sufficient to determine whether the AVA should be established. With regard to the evidence, TTB notes that § 9.12(a)(1) requires evidence that the name of a proposed AVA must be "currently and directly associated with an area in which viticulture exists" and that the area be "nationally *or* locally known by the name specified in the petition" (emphasis added). Additionally, § 9.12(a)(3) requires an AVA petition to include "a description of the common or similar features of the proposed AVA affecting viticulture that make it distinctive" and to explain how those features affect viticulture and how they differ from the features of the surrounding region. TTB believes these and the other criteria set forth in § 9.12 have been met and that the rulemaking record shows sufficient basis for establishing the AVA. TTB also notes that the regulations do not require a petition to contain evidence that the proposed AVA is nationally recognized for its wine or winegrape production or information regarding the level of consumers' and wine experts' current awareness of the region and its wines.

### **TTB Determination**

After careful review of the petition and the comments received in response to Notice No. 230, TTB finds that the evidence provided by the petitioner supports the establishment of the Nashoba Valley AVA. Accordingly, under the authority of the FAA Act, section 1111(d) of the Homeland Security Act of 2002, and parts 4 and 9 of the TTB regulations, TTB establishes the “Nashoba Valley” AVA in Worcester County, Massachusetts.

### **Boundary Description**

See the narrative description of the boundary of the Nashoba Valley AVA in the regulatory text published at the end of this final rule.

### **Maps**

The petitioner provided the required maps, and they are listed below in the regulatory text. The Nashoba Valley AVA boundary may also be viewed on the AVA Map Explorer on the TTB website, at <https://www.ttb.gov/wine/ava-map-explorer>.

### **Impact on Current Wine Labels**

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine’s true place of origin. For a wine to be labeled with an AVA name or with a brand name that includes an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label. Different rules apply if a wine has a brand name containing an AVA name

that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

With the establishment of the Nashoba Valley AVA, its name, “Nashoba Valley,” will be recognized as a name of viticultural significance under § 4.39(i)(3) of the TTB regulations (27 CFR 4.39(i)(3)). The text of the regulations clarifies this point. Consequently, wine bottlers using the name “Nashoba Valley” in a brand name, including a trademark, or in another label reference as to the origin of the wine, will have to ensure that the product is eligible to use the AVA name as an appellation of origin.

The establishment of the Nashoba Valley AVA will not affect any existing AVA. The establishment of the Nashoba Valley AVA will allow vintners to use “Nashoba Valley” as an appellation of origin for wines made primarily from grapes grown within the Nashoba Valley AVA if the wines meet the eligibility requirements for the appellation.

### **Regulatory Flexibility Act**

TTB certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor’s efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

### **Executive Order 12866**

It has been determined that this final rule is not a significant regulatory action as defined by Executive Order 12866, as amended. Therefore, no regulatory assessment is required.

## Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this final rule.

## List of Subjects in 27 CFR Part 9

Wine.

## The Regulatory Amendment

For the reasons discussed in the preamble, TTB amends title 27, chapter I, part 9, Code of Federal Regulations, as follows:

### **PART 9—AMERICAN VITICULTURAL AREAS**

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

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

### **Subpart C—Approved American Viticultural Areas**

2. Add § 9.299 to read as follows:

#### **§ 9.299 Nashoba Valley.**

(a) *Name.* The name of the viticultural area described in this section is “Nashoba Valley”. For purposes of part 4 of this chapter, “Nashoba Valley” is a term of viticultural significance.

(b) *Approved maps.* The 2 United States Geological Survey (USGS) 1:100,000 scale topographic maps used to determine the boundary of the Nashoba Valley viticultural area are:

(1) Hudson, MA, 2021; and

(2) Clinton, MA, 2021.

(c) *Boundary.* The Nashoba Valley viticultural area is located in Worcester County, Massachusetts. The boundary of the viticultural area is described as follows:

(1) The beginning point is on the Hudson map at the intersection of Route 62 (also known as Central Street) and I-495 in Hudson, Massachusetts. From the beginning point, proceed southwest, then westerly on Route 62 for a total of 4.5 miles, crossing onto the Clinton map, to the point where it intersects and becomes concurrent with Route 70 (also known as Boylston Street); then

(2) Proceed north on Route 70/Route 62 for 2.09 miles to its intersection with Route 110/Main Street in Clinton, Massachusetts; then

(3) Proceed south on Route 110/Main Street as it becomes known as West Boylston Road, and continue along West Boylston Road for a total of 1 mile to its intersection with South Meadow Road; then

(4) Proceed north along South Meadow Road for 0.95 mile to its intersection with Moffett Street in Lancaster, Massachusetts; then

(5) Proceed northwest along Moffett Street to its intersection with an unnamed road known locally as Chace Hill Road; then

(6) Proceed northeast along Chace Hill Road to its intersection with Sterling Street (also known as Route 62); then

(7) Proceed northwesterly along Sterling Street/Route 62 to its intersection with an unnamed road known locally as Chocksett Road; then

(8) Proceed northwesterly along Chocksett Road to its intersection with Pratts Junction Road; then

(9) Proceed northwesterly along Pratts Junction Road to its intersection with I-190; then

(10) Proceed northerly along I-190 for 2.35 miles to its intersection with Route 117 in Leominster, Massachusetts; then

(11) Proceed southeasterly along Route 117 for 7.8 miles, crossing onto the Hudson map, to its intersection with I-495; then

(12) Proceed southerly along I-495 to the beginning point.

Signed: March 16, 2026.

**Mary G. Ryan,**

*Administrator.*

Approved: March 16, 2026.

**Kenneth J. Kies,**

*Assistant Secretary (Tax Policy).*

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