4810–31–P]

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2026–0003; Notice No. 241]

RIN: 1513–AD11

Proposed Establishment of the Kaw Valley Viticultural Area

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

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the approximately 3,515,482-acre (5,493-square mile) “Kaw Valley” American viticultural area in northeastern Kansas. The proposed viticultural area is not within 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. TTB invites comments on this proposed addition to its regulations.

DATES: Comments must be received by **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: You may electronically submit comments to TTB on this proposal using the comment form for this document posted within Docket No. TTB–2026–0003 on the *Regulations.gov* website at *https://www.regulations.gov*. At the same location, you also may view copies of this document, the related petition and selected supporting materials, and any comments TTB receives on this proposal. A direct link to that docket is available on the TTB Web site at *https://www.ttb.gov/regulated-commodities/beverage-alcohol/wine/notices-of-proposed-rulemaking* under Notice No. 241. Alternatively, you may submit comments via postal mail to the Director, Regulations and Ruling Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW, Box 12, Washington, DC 20005. Please see the **Public Participation** section of this document for further information on the comments requested on this proposal and on the submission, confidentiality, and public disclosure of comments.

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: In accordance with 5 U.S.C. 553(b)(4), a summary of this rule may be found at *https://www.regulations.gov/docket/TTB–2026–0003*.

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;
- 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.

Kaw Valley Petition

TTB received a petition to establish the "Kaw Valley" AVA in Kansas, submitted on behalf of local winery and vineyard owners and with support from the Kansas State Department of Agriculture. The proposed AVA is located in northeastern Kansas and contains approximately 3,515,482 acres (5,493 square miles). The proposed AVA covers all or parts of the following Kansas counties: Atchison, Brown, Douglas, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Nemaha, Pottawatomi, Riley, Shawnee, Wabaunsee, Washington, and Wyandotte. There are currently 33 vineyards with approximately 500 acres of viticulture within the proposed AVA. According to the petition, the primary distinguishing feature of the proposed Kaw Valley AVA is the presence of soils developed from materials deposited by glaciers. Unless otherwise noted, all information and data pertaining to the proposed AVA is from the petition and its supporting exhibits.

Name Evidence

According to the petition, "Kaw" is an alternate name for both the Kansas River and the Kansas tribe of Native Americans (the namesake of the State).

The proposed AVA encompasses the Kansas portion of the watershed of the Kansas River, or “Kaw River." Although the watershed extends north into Nebraska, the petition states that the term “Kaw Valley” is not used in that State, so the Nebraska portion of the watershed is excluded from the proposed AVA.

The petition included multiple examples of the term “Kaw Valley” being used to describe the region of the proposed AVA. For example, the Kaw Valley Unified School District and Kaw Valley Bank both serve communities in the proposed AVA. The annual Kaw Valley Farm Tour is a self-guided tour of farms within the proposed AVA. A women’s soccer team within the region is known as Kaw Valley FC. The Kaw Valley Rodeo Association hosts the annual Kaw Valley Rodeo in Manhattan, Kansas, which is within the proposed AVA. An excavation and demolition company in Kansas City, Kansas, is named Kaw Valley Companies, Inc. Finally, the Kansas Viticulture and Farm Winery Association established the Kaw Valley Wine Trail, and the annual Kaw Valley Wine Rally features wines produced within the proposed AVA.

Boundary Evidence

The proposed Kaw Valley AVA encompasses the portion of the Kansas River watershed that is in Kansas and has been directly affected by Pleistocene glaciation. A portion of the northern boundary of the proposed Kaw Valley AVA follows the Kansas–Nebraska State line to exclude the portion of the Kansas River watershed that is in Nebraska and that is not known as the “Kaw Valley.” The remainder of the northern boundary and the northeastern boundary both approximate the extent of the Kansas River watershed. The proposed eastern boundary follows the Kansas–Missouri State line to mark the eastern extent of the Kansas River watershed and exclude the region outside Kansas that is not known as “Kaw Valley.” The proposed southern and western boundaries approximate the division between the glaciated and unglaciated portions of the Kansas River watershed as well as the extent of soils developed from glacially-derived sediments.

TTB notes that the boundary set forth in the proposed regulations differs from the boundary described in the petition. With regard to the northeast boundary line, the petition states at item eight in the boundary description, that the boundary should "[p]roceed east-southeast for 67.5 miles to the point where the Kansas-Missouri State line leaves the Missouri River and becomes a north-south line, near the confluence of the Kansas River and the Missouri River." The actual distance between these two points appears to be approximately 6.7 miles. TTB believes there is a typographical error and is therefore using 6.7 miles in the proposed boundary description; TTB invites interested parties to comment on this aspect of the boundary description.

Distinguishing Feature

According to the petition, the primary distinguishing feature of the proposed Kaw Valley AVA is the presence of soils derived from glacially deposited material, in particular glacial till. The petition defines glacial till as unconsolidated rock debris deposited directly by melting glaciers. The glaciers transported materials, including granite, quartzite, and other metamorphic and igneous rocks, from a variety of distant locations. In most of the proposed AVA, a thick layer of this glacial till covers the Kansas bedrock, which is comprised mostly of sandstone, shale, and limestone. In a few places within the proposed AVA, the bedrock has been exposed and weathered to form soils, but the majority of bedrock is deep beneath the till. According to the petition, the igneous and metamorphic rocks give till-derived soils a chemical composition that is different from soils derived from other sources, such as the sedimentary rocks of the local bedrock. These chemical differences can affect grapevine physiology and the chemistry of the wines produced from those grapes.

The principal soils of the proposed AVA are from the Pawnee and Shelby soil series and are derived from glacial till. A small percentage of the proposed AVA contains soils from the Grundy series, which are relatively thin soils derived from wind-deposited silt known as loess. The petition describes the Pawnee and Shelby soils as high in sand and rock fragments and well drained. The petition states that well drained soils in vineyards promote vine water stress, resulting in fewer berries, thicker skins, and open grape clusters.

To the north of the proposed Kaw Valley AVA, the soils are also derived from glacial till. However, this region was omitted from the proposed AVA because it is not considered part of the Kaw Valley. East of the proposed AVA, the soils abruptly shift to very thick loess-derived soils from the Grundy, Marshall, and Sharpsburg soil series. As mentioned, loess-based soils have less sand and rock fragment content than the glacial till soils of the proposed AVA. To the south and west of the proposed AVA, the soils formed from the weathering of the underlying sedimentary rocks. Examples of these soils include the Florence and Labette series. According to the petition, these soils have less sand and higher clay content than the soils of the proposed AVA, making them more poorly drained. Soils that retain water can lead to overly vigorous vines with dense leaf canopies that inhibit ripening of the grapes.

TTB Determination

TTB concludes that the petition to establish the proposed Kaw Valley AVA merits consideration and public comment, as invited in this notice of proposed rulemaking.

Boundary Description

See the narrative description of the boundary of the petitioned-for AVA in the proposed regulatory text published at the end of this proposed rule.

Maps

The petitioner provided the required maps, and TTB lists them below in the proposed regulatory text. You may also view the proposed Kaw Valley AVA boundary on the AVA Map Explorer on the TTB website, at *https://www.ttb.gov/regulated-commodities/beverage-alcohol/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, 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 § 4.25(e)(3) of the TTB regulations (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 § 4.39(i)(2) of the TTB regulations (27 CFR 4.39(i)(2)) for details.

If TTB establishes this proposed AVA, its name, “Kaw 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 proposed regulation clarifies this point. Consequently, wine bottlers using the name “Kaw Valley” in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the AVA name as an appellation of origin if TTB adopts this proposed rule as a final rule.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should establish the proposed Kaw Valley AVA. TTB is also interested in receiving comments on the sufficiency and accuracy of required information submitted in support of the petition. Please provide specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Kaw Valley AVA on wine labels that include the term “Kaw Valley” as discussed above under **Impact on Current Wine Labels**, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed AVA name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed AVA will have on an existing viticultural enterprise. TTB is also interested in receiving suggestions for ways to avoid conflicts, for example, by adopting a modified or different name for the proposed AVA.

Submitting Comments

You may submit comments on this proposal by using one of the following methods:

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this document within Docket No. TTB–2026–0003 on

"*Regulations.gov*," the Federal e-rulemaking portal, at *https://www.regulations.gov*. A direct link to that docket is available under Notice No. 241 on the TTB Web site at *https://www.ttb.gov/regulated-commodities/beverage-alcohol/wine/notices-of-proposed-rulemaking*. Supplemental files may be attached to comments submitted via *Regulations.gov*. For complete instructions on how to use *Regulations.gov*, visit the site and click on the "FAQ" link at the bottom of the page.

- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, NW, Box 12, Washington, DC 20005.

Please submit your comments by the closing date shown above in this document. Your comments must reference Notice No. 241 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. We do not acknowledge receipt of comments, and we consider all comments as originals.

Your comment must clearly state if you are commenting on your own behalf or on behalf of an organization, business, or other entity. If you are commenting on behalf of an organization, business, or other entity, your comment must include the entity's name as well as your name and position title. If you comment via Regulations.gov, please enter the entity's name in the "Organization" blank of the online comment form. If you comment via postal mail, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this document, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2026–0003 on the Federal e-rulemaking portal, *Regulations.gov*, at *https://www.regulations.gov*. A direct link to that docket is available on the TTB Web site at *https://www.ttb.gov/wine/notices-of-proposed-rulemaking* under Notice No. 241. You may also reach the relevant docket through the *Regulations.gov* search page at *https://www.regulations.gov*. For instructions on how to use *Regulations.gov*, visit the site and click on the "FAQ" link at the bottom of the page.

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including e-mail addresses. TTB may omit voluminous attachments or material that it considers unsuitable for posting.

You may also obtain copies of this proposed rule, all related petitions, maps, and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal at 20 cents per 8.5- x 11-inch page. Please note that TTB is unable to provide copies of USGS maps or any similarly-sized documents that may be included as part of the AVA petition. Contact TTB's Regulations and Rulings Division by e-mail using the web form at *https://www.ttb.gov/contact-rrd*, or by telephone at 202–453–1039, ext. 175, to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area 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 proposed rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend 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. Subpart C is amended by adding § 9.____ to read as follows:

§ 9.____ Kaw Valley.

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

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

(1) Manhattan, Kansas, 1990;

(2) Lawrence, Kansas, 1983;

(3) Olathe, Kansas–Missouri, 1983;

(4) Topeka, Kansas–Missouri, 1983;

(5) Kansas City, Missouri–Kansas, 1983;

(6) Atchison, Kansas-Missouri-Nebraska, 1985;

(7) Blue Rapids, Kansas, 1986; and

(8) Concordia, Kansas, 1985.

(c) *Boundary*. The Kaw Valley viticultural area is located in northeastern Kansas and includes all or portions of the following counties: Atchison, Brown, Douglas, Jackson, Jefferson, Johnson, Leavenworth, Marshall, Nemaha, Pottawatomi, Riley, Shawnee, Wabaunsee, Washington, and Wyandotte. The boundary of the viticultural area is described as follows:

(1) The beginning point is on the Concordia map, on the Kansas-Nebraska State line at the northwest corner of section 1, T1S/R3E. From the beginning point, proceed east along the Kansas-Nebraska State line for 38 miles, crossing onto the Blue Rapids map, to the northeast corner of section 6, T1S/R10E, east of Summerfield; then

(2) Proceed southeast in a straight line for 30.6 miles, crossing onto the Atchison map, to the southeast corner of section 6, T5S/R13E, south of the Missouri-Pacific railroad and southwest of Goff; then

(3) Proceed northeast in a straight line for 22.4 miles to the intersection of the marked old railroad grade with the eastern boundary of section 28, T1S/R14E, near Berwick; then

(4) Proceed southeast in a straight line for 51.1 miles, crossing onto the Topeka map, to the southeast corner of section 6, T7S/R20E, west of US Highway 73; then

(5) Proceed south-southeast in a straight line for 22.8 miles, passing onto the Kansas City map, to State Highway 7 in Wallula, at the southeast corner of section 13, T10S/R22E; then

(6) Proceed southeast in a straight line for 6.7 miles to the southeast corner of section 36, T10S/R23E, east of Maywood; then

(7) Proceed east-northeast in a straight line for 3.75 miles to the intersection of two roads at the center of section 27, T10S/R24E, known locally as North 63rd Street and Cernech Road; then

(8) Proceed east-southeast for 6.7 miles to the point where the Kansas-Missouri State line leaves the Missouri River and becomes a north-south line, near the confluence of the Kansas River and the Missouri River; then

(9) Proceed south along the Kansas-Missouri State line for 3.9 miles to its intersection with an unnamed road known locally as West 39th Street, near the University of Kansas Medical Center; then

(10) Proceed southwest in a straight line for 24.3 miles, crossing onto the Olathe map, to the southwest corner of section 11, T14S/R22E, northwest of Gardner; then

(11) Proceed west-southwest in a straight line for 8.6 miles, crossing onto the Lawrence map, to the southwest corner of section 33, T14S/R21E, northeast of Black Jack; then

(12) Proceed west-northwest in a straight line for 75.5 miles, crossing through the southwest corner of the Topeka map and onto the Manhattan map, to the southwest corner of section 33, T10S/R9E, north of Tabor Valley; then

(13) Proceed northwest in a straight line for 68.4 miles, crossing over the Blue Rapids map and onto the Concordia map and returning to the beginning point.

Signed: August 11, 2026.

Mary G. Ryan,
Administrator.

Approved: August 12, 2026.

Kevin M. Salinger,
Acting Assistant Secretary of the Treasury (Tax Policy).

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