

**Greater Shawnee
Grape growers Association**

June 3, 2005, 2005

Comment 9

Chief, Regulations and Procedures Division
Alcohol and Tobacco Tax and Trade Bureau
Attn. Notice No. 39
P. G. Box 14412
Washington, D.C. 20044

RE Notice No. 39. Proposed Establishment of the Shawnee Hills AVA

Dear Sir/Madam:

I write pursuant to TTB's desire to receive comments on the above petition, particularly comments on conflicts and its potential impact on existing enterprises in the region. My name is David Ponce, and I am opposed to the establishment of the Shawnee Hills AVA in its current form

I am a grape grower and wine maker at Monte Aegre Vineyard and Cellars, located in Carbondale, Illinois; president of the Greater Shawnee Grape Growers Association (GSGGA); and a faculty at Shawnee Community College where I also serve as the Coordinator for the Viticulture & Enology Program. This gives me the unique advantage of representing several aspects of this exciting new industry from many points of view. That includes the vineyard operation, where I am partner with my wife in a six (6) acre vineyard enterprise and bonded winery, the industry-trade organization, and the workforce education and rural development. I must also include the fact that the Board of Directors of the GSGGA has voted to voice its opposition to the establishment of the proposed Shawnee Hills AVA in its current form. After many consultations with board and GSGGA members, I find reasons that range from the technical; to the conflictive and procedural; to the economic development and consumer confusion issues that will support the case that the proposed Shawnee Hills AVA is flawed.

The GSGGA Board vote was not unanimous; this exemplifies the fact that this issue has divided growers and wineries in the Shawnee Region of Illinois in ironic ways. Here is a list of a few examples that come to mind:

- ' Within the Greater Shawnee Grape Growers Association (GSGGA) there are growers inside and outside the proposed AVA that currently sell grapes freely on both sides of the proposed boundary. Many of these growers are left out of the Shawnee Hills AVA by a few miles with nothing but rolling hills in between. In my case, I am excluded by less than one-quarter mile.
- ' The Shawnee Winery Cooperative, an agricultural cooperative with 11 area growers, falls inside the proposed boundaries, but has member acreage in Pulaski and Franklin counties that falls outside the proposed AVA.

- Shawnee Community College, that has developed a unique and nationally recognized workforce training program in Viticulture and Enology and has a demonstration vineyard at its main campus developed with USDA support, is also excluded by maybe a mile.

The above mentioned organizations, involved in the development of a new grape industry in our economically depressed region proudly incorporate the name 'Shawnee' in their institutional name as an expression of their identity. To exclude them totally or partially would have a negative economic impact and create confusion in the mind of the public.

I have organized this letter into three categories: 1) the technical, 2) the conflictive and procedural, and 3) the economic development and consumer confusion impact.

1) **Technical Reasons offered in Rebuttal to the Shawnee Hills AVA petition**

- As a licensed professional engineer in the state of Illinois, (P.E. license 062-046076), with advanced graduate studies and experience in hydrology, I look with skepticism at the details of the climatic differences that are advocated by the Shawnee Hills AVA petitioners. The area of southern Illinois lies at the interface where warm and cold air masses meet to dominate the weather patterns of this region. The relative flatness and location latitude in the center of the continent, combined with the presence of two of the major rivers in North America, the Mississippi and the Ohio, has created a region that has very uniform climatic characteristics, as much as it has random spikes of high and low temperatures through the seasons. Hence, the representation of probable climatic differences offered by the petitioners has very little meaning in this context, and its use to claim that such differences will translate into flavor and aromas detectable in the wine is unsubstantiated.
- Averaged weather data establishing 10%, 50% and 90% events, may be useful in assessing a farmers chances of encountering a frost event in a given season but loses its meaning when one tries to establish significant differences in an area like southern Illinois where the standard deviation from the same mean values is approximately equal to the differences. Often, if one looks at the same events in the context advocated by the data presented by the petitioners one observes the opposite of what is claimed. For example, this 2005 season, significant late frost damaged several acres of vineyards in the Vienna area that lie within the proposed AVA that are farther south. On the same dates, frost was not detected at my vineyard at similar elevation in Carbondale which lies north of the proposed AVA northern boundary. Actually the record late frost date for the area occurred May 16, 1996. That year Monte Alegre Vineyard and Alto Vineyards both experienced frost kills. I remember that *year* well because that was the year of one of the first plantings of Chardonal grapes in the Shawnee Region. Aito Vineyards is one of the highest vineyards in the proposed AVA, but the difference in elevation with my Carbondale Vineyard is about 320 feet. Considerin⁹ that the distance between us is of about 30 miles, that gives a slope of 0.20%. These two extreme locations simply do not have significant climatic differences.

The elevation data submitted by the petitioners apparently neglects to mention that there are no vineyards currently located on the highest points, but instead they are almost all located in ridges and hills throughout the region, both inside and outside the proposed AVA. For example, Bald Knob also rises 700 feet above thr Village of Alto Pass, and visible for 20 miles, has an elevation of 1034 feet. There are no vineyards there. The petitioners neglect to mention that Bald Knob also raises 700 feet above *the* valley bellow. It is in those gentle hills where the vineyards are located (variable elevations of 300 to 400 feet). The highest vineyards in the whole area are nearby the village of Alto Pass which has an elevation of at 757 feet. The City of Carbondale, 30 miles away, has an elevation of 415 feet, and my vineyard is located on a hill at 425 feet. I include a list of the elevation of

communities that are included and excluded. These are representative points since the villages listed are located at elevations representative of their surroundings, i.e. not at the bottom of ravines nor at the highest points:

Excluded	Elevation (feet)	Included	Elevation (feet)
De Soto	387	Anna	631
Carbondale	415	Alto Pass	757
Harrisburg	404	Dongola	400
Olmstead	370	Tamms	335
Grand Chain	404	Ullin	340
Benton	470	Vienna	404
Herrin	430	Makanda	437
Royalton	397		
Johnston City	450		
Waterloo	717		

All of these communities are surrounded by gentle rolling hills. These elevation differences of the order of 300 feet for over 30 or 40 miles DO NOT present a topographical hurdle for the large continental air masses that dominate the climate of the region. The rest of the locations show no perceptible differences in elevation. This illustrates the lack of meaningful elevation differences presented by the petitioners.

- in California, where there are many AVA, the elevation differences between coastal and mountain regions can be 2500 feet. There is no coastal effect in the proposed AVA, just the climate tempering effect of the two major rivers, and a gentle topography with hills and low areas scattered inside and outside the proposed AVA.
- o The elevation differences are not significant enough to warrant a case for different growing conditions. in my opinion, to pretend that it will result in detectable flavor differences in the *wine is not serious* enology. In addition, most of the boundaries proposed divide many areas with neither elevation nor soils differences, yet they are effective in excluding very good hills and ridges with vineyards nearby

The whole area inside and outside the proposed Shawnee Hills AVA is dominated by the cultivation of French-American hybrids, and North American varieties (Aestivales and some Labrusca varieties). These hybrids, Labruscas and Aestivales varieties simply do not aspire to the flavor complexities that are distinguishable in typical AVA marketed wines. Currently, in southern Illinois, there are no significant plantings of vinifera varieties under production. Although roots stock trials are being done at *Shawnee College and Southern Illinois University, it will* be years before these trials have an impact on the consumer.



- o The soils of this region of Illinois are characterized for having a low cation-exchange capacity (diagram extracted from the Illinois Agronomy Manua below. These are mostly all acidic. heavy soils, with organic content in the 1 to 2 % range or less, and although they may exhibit differences in texture, this texture can change within a single vineyard. Most of those changes have

eh.dwd smf. aro land/ MA Sa+ cMicn<xehanpa eNCMI2y.

more to do with historic patterns of leaching and erosion, than with intrinsic differences in soil quality. In my opinion, these marginal differences will be undetectable in the wine.

- Regardless, the overall contribution of soils to the flavor profile of vinifera, has been discussed by world experts on the subject of Terroir at the 2004 American Society for Enology and Viticulture Eastern Section (ASEV-ES), held in Roanoke, Virginia; as being of the order of maybe 20% at most, for the case of OUTSTANDING vitis VINIFERA. The experts agree that climate has a dominant influence, since for ages the wines have been prized according to the vintage year (season climate), while grown on the same soil. For the case of French-American hybrids varieties. the effect of the soil would be considered negligible if not undetectable, Approval of the proposed Shawnee Hills AVA may develop a potential conflict between consumer perception and expectation that could be detrimental for the industry in the whole region, not just the proposed AVA.

2) Confictive and Procedural Reasons for denying Shawnee Hills AVA petition

- In the past year the petitioners and The Greater Shawnee Grape Growers Association (GSGGA), have been at odds over this AVA issue, yet no dialog that I am aware of has taken place. An attempt by Shawnee College to broker a meeting between the parties was unsuccessful although the GSGGA was willing and ready. In my opinion, this unresolved conflict violates the spirit of the AVA formation process administered by TTB.
- The GSGGA released most relevant compiled information to all growers in the hope that a transparent process would lead to an improved understanding and communication. In the meantime, the GSGGA has continued to work at the painstaking process of gathering pertinent data in a rapidly changing industry. The GSGGA had hoped that conversations would begin at some time, and prepared for that.
- Comparison of the proposed boundaries with the petitioners' original ones, reveal that they have expanded their boundaries to include the Shawnee Hills Bike Trail in Pope and Massac counties, discovered in our research, although there are no vineyards nor wineries in that area; yet no such latitude has been extended to other bona fide vineyard enterprises that lie much closer to their original boundary. This is the kind of oversight that results when one side refuses dialog. The same spirit of capricious exclusion appears to have been used at other locations on the proposed boundaries.
- There appear to be too many conflicts in the data presented by the petitioners. For example, one of the petitioners is co-author of an article "History of Grape and Wine Production in Illinois since 1893", by R.M. Skirvin, et. al., where it is acknowledged that Pulaski County was the second major producer of grapes in the whole state in 1900 with 477,141 pounds, and ranked number one in the area south of interstate 1-64. Also in a footnote "... According to railroad statistics over 3,000,000 pounds of fruit were shipped from Pulaski County alone". Yet 75% of Pulaski is excluded in direct conflict with the petitioner's published research.

3) Economic Development and Consumer Confusion Reasons offered as a rebuttal to Shawnee Hills AVA petition

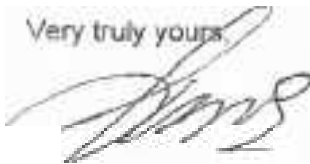
- The recent expansion of grape growing as alternative agriculture in this economically depressed area would be restricted by the approval of this AVA, by eliminating an incentive for much of the potential and its owners from joining the industry,
- There are wineries inside the Shawnee Hills AVA petition that do not belong to the Shawnee Hills Wine Trail, the petitioners' organization. This will create consumer confusion.

- The impact on labeling in the light of proposed label approval fees of \$500 per label may cause economic hardship for small tourist oriented wineries. For example, in the past, Monte Alegre Vineyard has sold grapes to three wineries within the proposed AVA and finished wine to a fourth one. I think that there is great potential for unnecessary label expenses and further consumer confusion. Under the proposed AVA, wineries will have to choose between not buying my product and re-labeling.
- The gerrymandered AVA boundaries along ditches, unnamed dirt roads, and bisection of area cities, using questionable weather, elevation and soils data, flies in the face of continued political exhortation for economic unity and team **work** in a chronically economically depressed region.
- There are many locations that use the name Shawnee Hills in the Midwest. The locations I found are listed below and some fall inside the territory of already existing AVA.

- o Powell, Ohio, United States Postal Service Zip Code is 43065 (**Shawnee Hills**) [SourcePSZ]
- o **Shawnee:Hills, Kentucky, United States** [Place] is in Trigg County; location is 36°50'39"N 87°57'24"W [SourceGSI]
- o **Shawnee Hills, Ohio, United States** CDP]; population was 2,199 in 1990; housing units was 739 in 1990; location is 39°39'N 83°47'W; land area is 2.66 square miles (1,703 acres); water area is 0.24 square mile; (153 acres); FIPS code is 71983 [SourceCBP] populated [Place] is in Greene County
- o **Shawnee Hills, Ohio, United States** [Village]; population was 423, in 1990 housing units was 179 in 1990; location is 40°10'N 83°8'W; land area is 0.39 square miles (247 acres); FIPS code is 71976 [SourceCBP]

All the facts described above should be enough to remand this petition to the drawing board. Approval of the Shawnee Hills AVA as proposed will have a negative economic impact on existing viticulture enterprises by unfairly limiting their ability to sell grapes to all the area wineries when there is no clear indication that the quality or character of the grapes will be different. For the reasons listed I respectfully request that the proposed Shawnee Hills AVA be denied, or amended so as to include all of the area of Illinois south of Interstate I-64 and be simply named the **Shawnee AVA**.

Very truly yours,



David Ponce, Ph.D., P
President
473 Ponce Trail
Carbondale, IL 62901-7122
Ph: (618) 549-3952
Email: dponce@neondsl.com