

The ABCs of AVAs



TTB Disclaimer

- This information is being presented to help the public understand TTB's requirements for petitioning TTB to establish a new AVA.
- It is not intended to establish any new, or to change any existing, interpretations or procedures regarding those regulations.
- In addition, this presentation may be made obsolete by changes in the regulations.
- Please consult the regulations at 27 CFR 9.12 for the most current regulatory requirements.

Who Can Submit an AVA Petition?



ANYONE!

In practice, though, the petitioner is usually an industry member (or a group of industry members, such as a wine alliance). Sometimes, the petitioner is a professional consultant hired by an industry member, but TTB does not require you to use a consultant. Petitions written by consultants are treated the same as any other petition and are not guaranteed to be accepted by TTB or to move faster through the petition and rulemaking process.

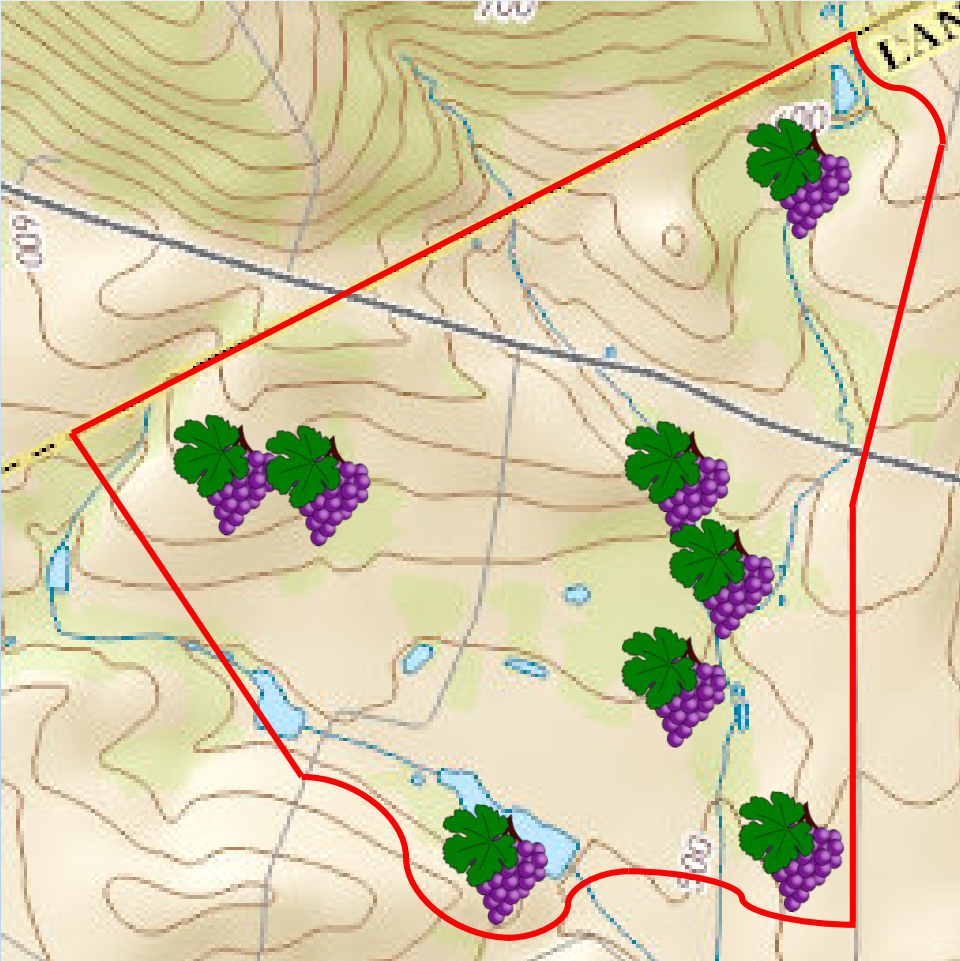
What Goes into an AVA Petition?

TTB regulations (27 CFR part 9) require an AVA petition to contain:

- Evidence of commercial viticulture in the proposed area
- A proposed name (and supporting evidence)
- A discussion of the distinguishing features of the proposed AVA (and supporting evidence)
- The proposed boundary drawn on USGS map(s); and
- A written description of the proposed boundary



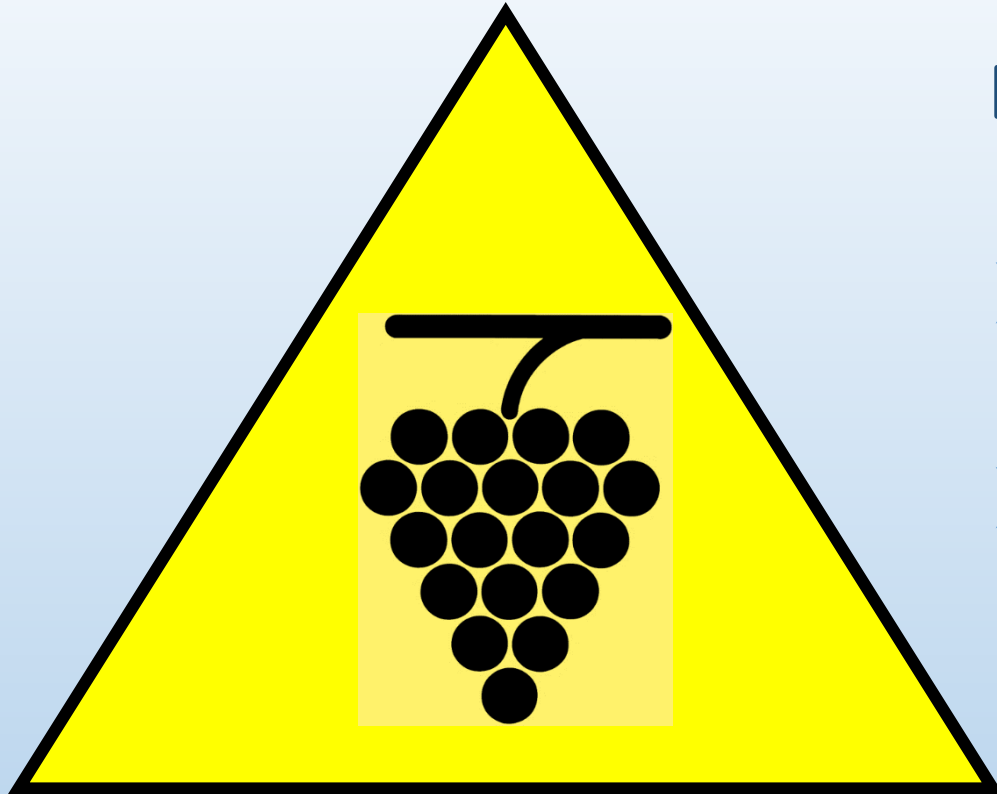
1. Evidence of Viticulture



- TTB is only interested in whether commercial wine grape vineyards exist in the proposed AVA, although other vineyards (for personal use winemaking purposes, table grapes, etc.) may still be present.
- The petition should provide the total number of existing commercial wine grape vineyards and approximate total commercial wine grape vineyard acreage. If you know of some expansions or new commercial vineyards that will be planted in the near future, you can include those as a separate tally.
- It is helpful to include a map showing the locations of the commercial wine grape vineyards and any planned new vineyards.
- TTB does not have a regulation that sets a minimum number of vineyards or acres, but the vineyards should be distributed throughout the proposed AVA and not all clustered in one part of the proposed AVA.

Beware of:

- **Lack of commercial viticulture**
- **Uneven distribution of vineyards**
(make sure the vineyards are not located just in one corner of the proposed AVA); **and**
- **Single-vineyard AVAs.** (TTB does not specifically prohibit single-vineyard AVAs, but they are highly discouraged.)



**CAUTION!
VINEYARD TROUBLES
AHEAD**

2. The Name



TTB's regulations state that the proposed name must:

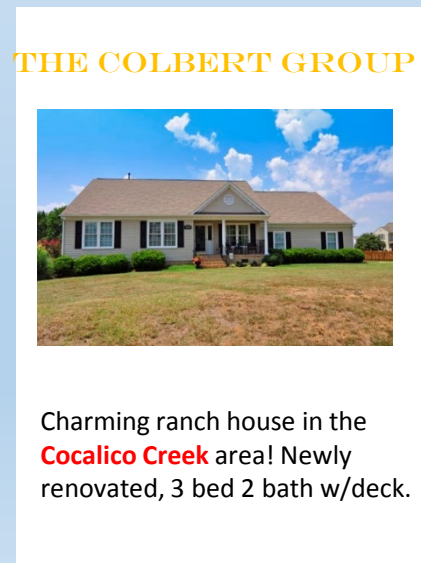
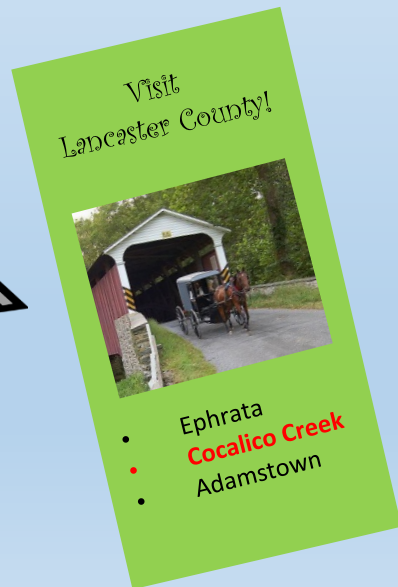
- Currently be used to describe the area
- Apply to the entire proposed AVA, but may also extend beyond; and
- Be supported by evidence

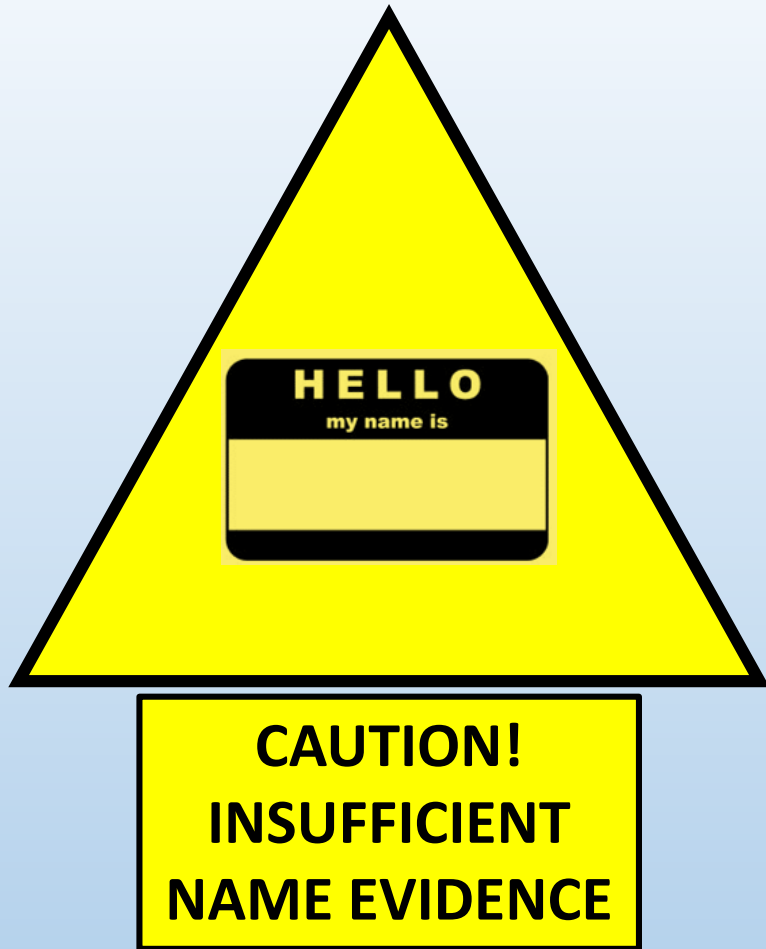
2. The Name

COCALICO CREEK ROAD

Acceptable types of name evidence include:

- Geographical features within proposed AVA
- Roads within/passing through proposed AVA
- Names and advertising of businesses and organizations within or serving the proposed AVA
- Recent articles
- Government entities within or serving the proposed AVA
- Tourism materials; and
- Real estate listings

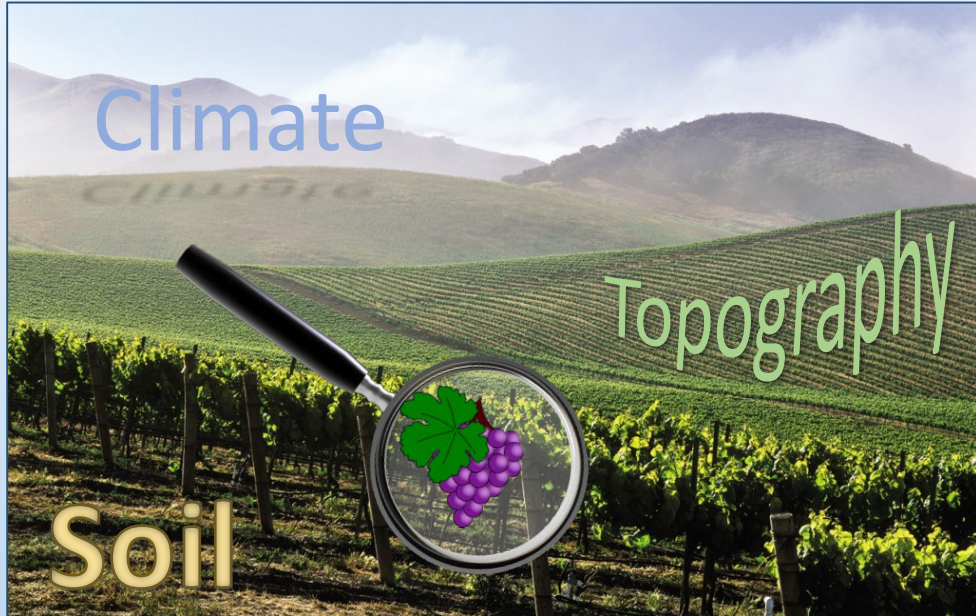




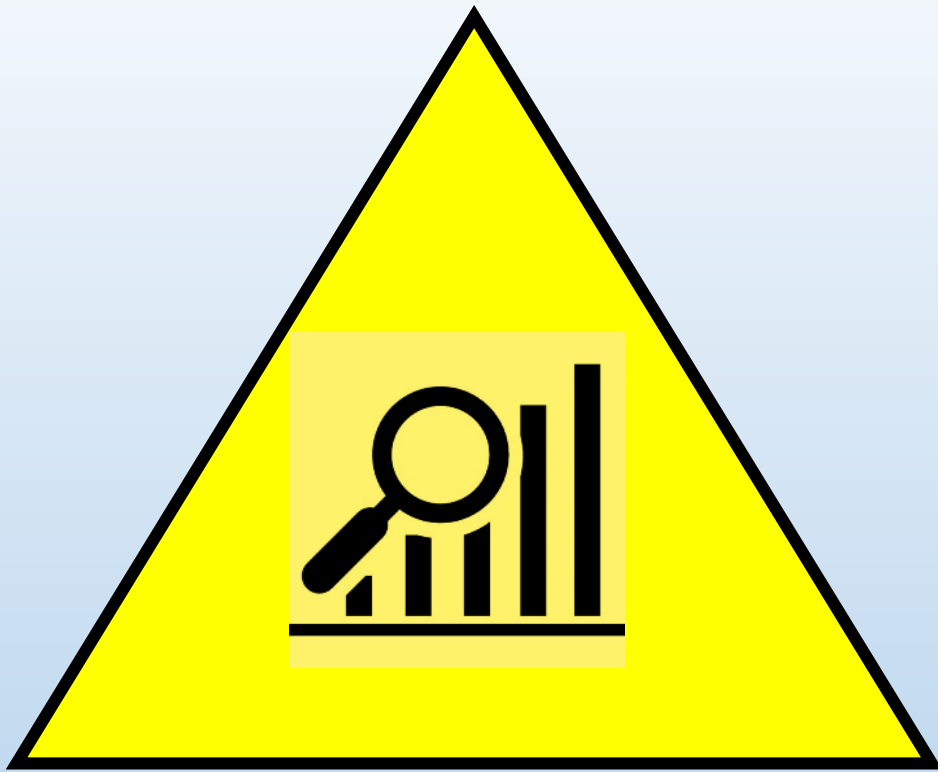
Beware of:

- **Other regions with the same name.** TTB may require you to add a geographic modifier (e.g., the name of the county, State, or established AVA that the proposed AVA is within) to distinguish your proposed AVA from other regions in the U.S. with the same name, even if those areas are not AVAs.
- **Evidence that is not independent of the petitioner.** You, the petitioner, cannot make up a name for the proposed AVA. TTB wants to see that the name is in general use to describe the region and is not just a construct of the wine industry. The sole source of evidence cannot be the petitioner's winery/vineyard's name and/or articles about their business.
- **Historical evidence/usage.** Historical articles, maps, etc., may be used to demonstrate long-standing use of the name to describe the area, but you must also demonstrate that the name is in current use.
- **Anecdotal/testimonial evidence.** This may not be your only evidence used to support the proposed name.
- **Geographical features.** A geographical feature (lake, mountain, creek, etc.) may be used as name evidence, but you should also include other types of evidence to show that the whole area—not just the feature—is called by that name.

3. Distinguishing Features



- The petition must include a description of the natural features that distinguish your proposed AVA from the surrounding regions.
- The most commonly used features are **climate** (growing degree days, growing season length, annual rainfall, etc.), **topography** (elevation, slope angle/aspect, etc.), and **soils**. However, you should only choose the feature(s) that best distinguishes your proposed AVA.
- Your proposed AVA does not have to be distinguished from each surrounding region in the same manner. For instance, rainfall may distinguish the proposed AVA from the regions to the north and east, while elevation is the factor that distinguishes it from the regions to the south and west.
- You will need to provide evidence to support your claims.
- You will also need to describe with specificity how each of your distinguishing features affects viticulture.



**WARNING!
INSUFFICIENT
DATA**

Beware of:

- **Missing data from surrounding areas**
- **Missing data from within proposed AVA**
- **Lack of viticultural effects**
- **Short time periods for climate data (less than three years or three growing seasons); and**
- **Inadequate contrasts to the surrounding regions**

4 & 5. Boundary Description and Maps

2. Mark your boundary

- Use features found on the map (elevation contours, roads, creeks, etc.)
- You can draw straight lines between marked points on the map.
- Use pencil, so changes can be made.

1. Purchase the necessary U.S.G.S. topographic maps

TTB cannot accept digital maps at this time.

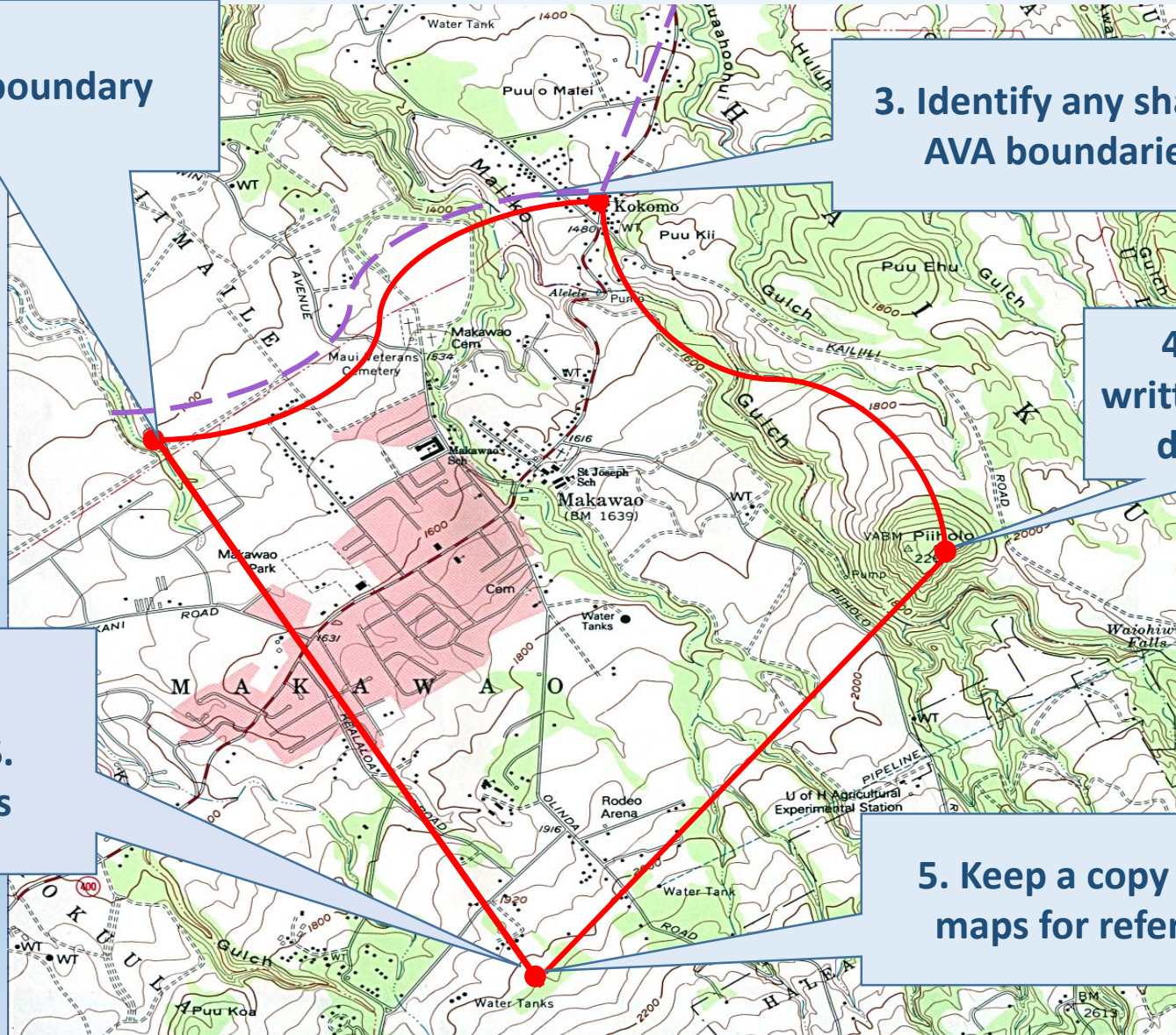
3. Identify any shared AVA boundaries

Mark them in a different manner/color and note what AVA is sharing the border.

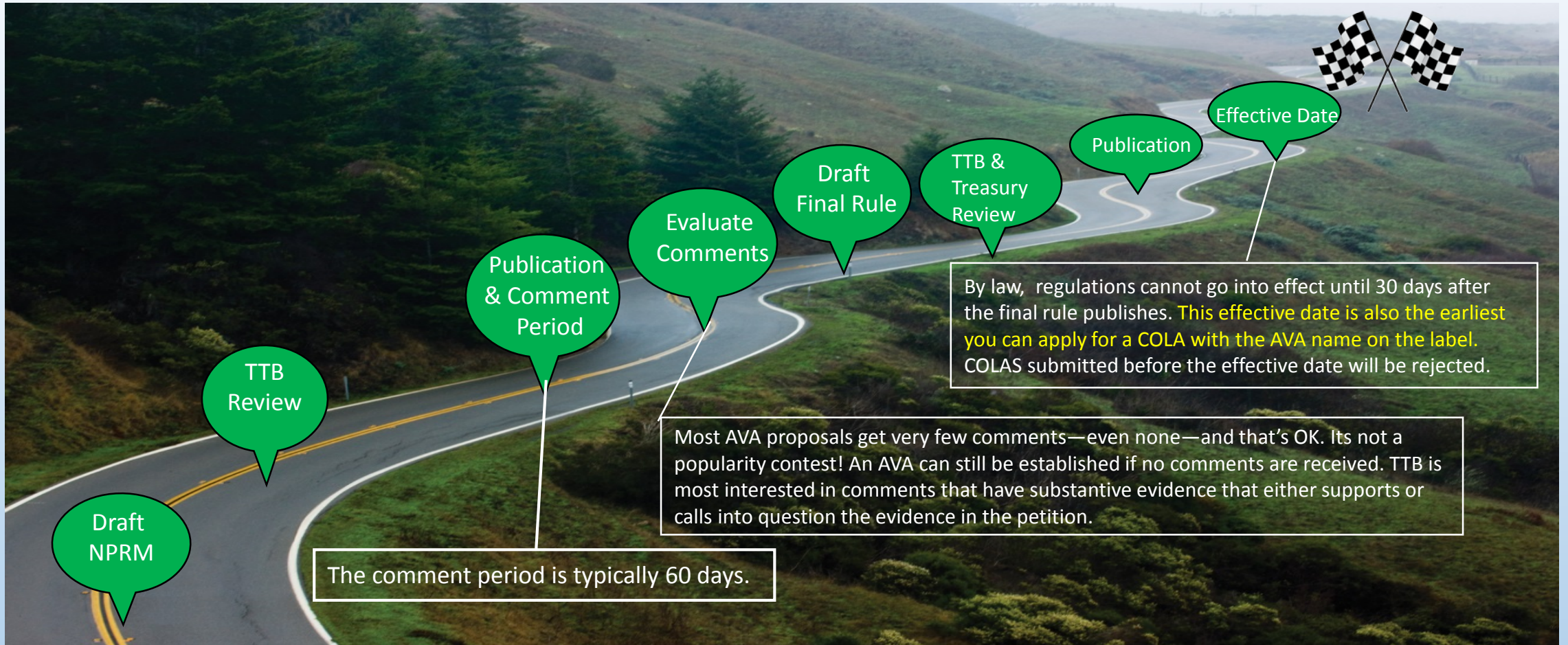
4. Create a written boundary description

- Go point-to-point in a clockwise manner.
- Note the distance between each point, when possible.
- Note when the boundary moves from one topographic map to another.

5. Keep a copy of the maps for reference



When is the AVA Established?



All Federal agencies are required by law to follow the rulemaking process in order to make changes to existing regulations or to add new ones. Since AVA names and boundaries are codified into TTB’s regulations, AVAs must also go through the complete rulemaking process before they are officially established. The rulemaking process is a long and winding road TTB must follow, which is why AVAs can’t be established “overnight.” The entire rulemaking process can take a year or more.

Where Can I Find Help With Drafting My AVA Petition?

- Look at previously-accepted petitions, NPRMs, and Final Rules. You can find links to the online dockets on TTB's Proposed Rulemaking page (<https://www.ttb.gov/wine/wine-rulemaking.shtml>). Since the AVA petition regulations were revised in 2011, look for AVA petitions submitted after 2011.
- Manual for AVA Petitioners. TTB has created a manual summarizing the AVA petition requirements and the petitioning and rulemaking process. It's available on our website at https://www.ttb.gov/wine/p51204_ava_manual.pdf.
- Contact TTB! AVAREgs@TTB.gov

