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Christine Erickson

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# FISH FRIENDLY VINEYARDS:

## IS COOPERATIVE CONSERVATION ENOUGH?

by Christine Erickson\*

Over the past decade, Californians have witnessed ever-increasing damage to the water quality and fish populations of the wine growing regions.<sup>1</sup> Despite the best efforts of many winegrowers, agencies, and environmental groups, farming practices continue to exhaust certain species and violate provisions of the Endangered Species Act (“ESA”) and Clean Water Act (“CWA”).<sup>2</sup> The lack of substantive law in this area makes conservation very difficult. Rather than settling for so-called incentive based voluntary programs, the time has come for California’s legislature to provide explicit and meaningful regulations to help safeguard California’s fish populations.

Hundreds of vineyards rest alongside the waterways and tributaries of the Russian, Napa, and Navarro Rivers, which are home to various threatened and endangered species.<sup>3</sup> Among these, the anadromous Coho and Chinook salmon and Steelhead trout face particular problems because they live in freshwater, travel to the ocean, and return to freshwater for spawning.<sup>4</sup> These species are severely affected by pesticides, heavy sedimentation, and fertilizer run-offs, which pollute the water and prevent them from laying eggs in the gravel bottom.<sup>5</sup>

Organizations such as the Fish Friendly Farming Certification Program (“FFFCP”) and the Napa Sustainable Winegrowing Group (“NSWG”) have attempted to address this problem by seeking to promote winegrowing practices that are “economically viable, socially responsible, and environmentally sound.”<sup>6</sup> These programs set up voluntary watershed management guidelines marketed as “incentive based” because they authorize participating wineries and grape growers to label and advertise their wine as eco-friendly.<sup>7</sup> Next, the vineyards work with organizations like FFFCP and NSWG to create an inventory of natural resources and management practices and to devise a plan to upgrade their property and improve environmental quality.<sup>8</sup> While many vineyards, including Clos du Bois and Fetzer, have been willing to make a start at such programs, their impact is limited because of a lack of public recognition.<sup>9</sup> Moreover, the absence of near-term benefits and long-term enforcement methods make these voluntary programs susceptible to imminent failure.

Cooperative conservation and feeble marketing techniques will not suffice to get wine the same recognition as other sustainable products such as coffee and seafood. It is time for realistic government action that would hold vineyards accountable for nonconformity with the ESA and CWA. The legislature ought to implement, for instance, a statewide labeling system that classifies wines based on the extent to which their production was

environmentally viable. In consideration of the impact and vital role wine producers play in California’s economy, the government could provide growers with money to start implementing the sustainable practices. Whatever the means, the occasion has come for state measures. As vineyards in California continue to grow, it will become increasingly necessary that mechanisms by which they produce their grapes safeguard the threatened fish populations.



## Endnotes:

<sup>1</sup> See Laurel Marcus, PRACTICAL WINERY AND VINEYARD, Mar.–Apr. 2004, at 20, available at <http://practicalwinery.com/marapr04/marapr04p20.htm>; see generally Fish Friendly Farming, <http://www.fishfriendlyfarming.org> (last visited Sept. 25, 2006).

<sup>2</sup> Endangered Species Act, 16 U.S.C. § 1538 (1973); Clean Water Act, 33 U.S.C. §§ 1251-1376 (1972).

<sup>3</sup> See Laurel Marcus, *Fish Friendly Farming: Read the Label, Save the Salmon*, Coastal Conservancy, Summer 2000, at 6, available at <http://www.coastalconservancy.ca.gov/coast&ocean/summer2000/pages/psix.htm> (last visited Sept. 25, 2006) [hereinafter READ THE LABEL].

<sup>4</sup> READ THE LABEL, *id.*

<sup>5</sup> READ THE LABEL, *id.*; see also Fish Friendly Farming, *supra* note 1; READ THE LABEL, *supra* note 3.

<sup>6</sup> NSWG.org, [www.nswg.org/infoonnswg.htm](http://www.nswg.org/infoonnswg.htm) (last visited Sept. 23, 2006).

<sup>7</sup> NSWG.org, [www.nswg.org/n3.fishfriendly.htm](http://www.nswg.org/n3.fishfriendly.htm) (last visited Sept. 23, 2006).

<sup>8</sup> NSWG.org, *id.*

<sup>9</sup> See FishFriendlyFarming.com, *Details on the FFF program*, [http://www.fishfriendlyfarming.org/a\\_details.html](http://www.fishfriendlyfarming.org/a_details.html) (last visited Sept. 23, 2006).

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