

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 3435(b)

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2015-0807-01

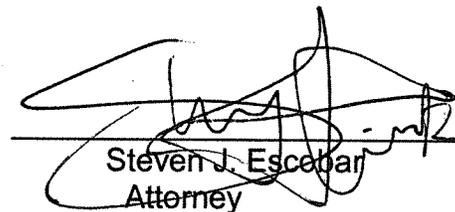
OAL Matter Type: Emergency (E)

This emergency rulemaking action by the Department of Food and Agriculture (the "Department") expands the quarantine area for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* in the Bakersfield area of Kern County. This quarantine area is being expanded by approximately four (4) square miles in response to the identification of one adult ACP in the Bakersfield area on July 15, 2015. This emergency action provides authority for the State to perform quarantine activities against ACP within this additional area.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 8/10/2015 and will expire on 2/9/2016. The Certificate of Compliance for this action is due no later than 2/8/2016.

Date: August 10, 2015



Steven J. Escobar
Attorney

For: DEBRA M. CORNEZ
Director

Original: Karen Ross
Copy: Sara Khalid

EMERGENCY

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2015-1807-01E
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For use by Office of Administrative Law (OAL) only

2015 AUG -7 A 11:42
 OFFICE OF ADMINISTRATIVE LAW

ENDORSED - FILED
 in the office of the Secretary of State
 of the State of California

AUG 10 2015

3:25 PM

<p style="text-align: center;">NOTICE</p>	<p style="text-align: center;">REGULATIONS</p>
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AGENCY WITH RULEMAKING AUTHORITY
 Department of Food and Agriculture

AGENCY FILE NUMBER (if any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Asian Citrus Psyllid Interior Quarantine	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 3435 (b)
TITLE(S) 3	REPEAL

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify) _____	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify) _____
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify) _____		

7. CONTACT PERSON Sara Khalid	TELEPHONE NUMBER 916-654-1017	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Sara.Khalid@cdfa.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Kevin Masuhara</i>	DATE 8-6-15
TYPED NAME AND TITLE OF SIGNATORY Kevin Masuhara, Deputy Secretary of Administration and Finance	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 10 2015

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Quarantine.

....
(b) Area Under Quarantine:

....
(2) In Kern County:

(A) In the Bakersfield area: Beginning at the intersection of Buena Vista Road and Campus Park Drive; then, starting easterly along said drive to its intersection on Mountain Vista Drive; then, northerly along said drive to its intersection with White Lane; then, easterly along said lane to its intersection with Old River Road; then, northeasterly along said road to its intersection with S Granite Road; then, continuing northeasterly along S Granite Road to its intersection with Round Mountain Road; then, continuing southeasterly along Round Mountain Road at 35.468530 latitude and -118.870390 longitude; then, southerly along said road to its intersection with an Imaginary Line; then, southeasterly along said line to its intersection with an Unnamed Creek at 35.467860 latitude and -118.869790 longitude; then, southeasterly along said creek to its intersection with an Unnamed Creek at 35.455989 latitude and -118.858378 longitude; then southerly along said creek to its intersection with the Kern River at 35.442830 latitude and -118.860090 longitude; then, southerly along said river to its intersection with Bakersfield City Boundary at 35.432927 latitude and -118.853693 longitude; then, westerly along said boundary to its intersection with an Unnamed Road at 35.432910 latitude and -118.857001 longitude; then, westerly along said road to its intersection with Old Alfred Harrell Highway; then westerly along said highway to its intersection with Lake Ming Road; then, southwesterly along said road to its intersection with Alfred Harrell Highway; then, continuing southerly along Alfred Harrell Highway to its intersection with Barbera Avenue; then, westerly along said avenue to its intersection with Edison Road; then southerly along said road to its intersection with Breckenridge Road; Breckenridge Road; then, southwesterly along said road to its intersection with Pepper Drive; then, southerly along said drive to its intersection with Edison Highway; then, northwesterly along said highway to its intersection with S Edison Road; then,

southerly along said road to its intersection with Redbank Road; then, westerly along said road to its intersection with an Unnamed Road; then, southerly along said road to its intersection with E Wilson Road; then, westerly along said road to its intersection with S Vineland Road; then, southerly along said road to its intersection with Mountain View Road; then, westerly along said road to its intersection with Habecker Road; then, southerly along said road to its intersection with McKee Road; then, westerly along said road to its intersection with Weedpatch Highway; then, southerly along said highway to its intersection with Panama Road; then, westerly along said road to its intersection with Burlington Northern and Santa Fe railroad; then, southerly along said railroad to its intersection with an imaginary line at 35.253487 latitude and -118.923160 longitude; then, southerly along said line to its intersection with Di Giorgio Road at 35.252382 latitude and -118.923250 longitude; then, westerly along said road to its intersection with S Fairfax Road; then, southerly along said road to its intersection with Buena Vista Boulevard; then, westerly along said boulevard to its intersection with Adobe Road; then, southerly along said road to its intersection with E Bear Mountain Boulevard; then, westerly along said boulevard to its intersection with S Union Avenue; then, southerly along said avenue to its intersection with Kern Island Drain; then, westerly along said drain to its intersection with an imaginary line at 35.180690 latitude and -119.020540 longitude; then, southerly along said line to its intersection with Millux Road at 35.804110 latitude and -119.028090 longitude; then, southerly along said road to its intersection with Old River Road; then, northerly along said road to its intersection with Bear Mountain Boulevard; then, westerly along said boulevard to its intersection with Interstate 5; then, northwesterly along said interstate to its intersection with Buena Vista Canal; then, northeasterly along said canal to its intersection with Taft Highway; then, easterly along said highway to its intersection with S Allen Road; then, northerly along said road to its intersection with Pensinger Road; then, northerly along an imaginary line to its intersection with Southern Pacific Railroad at 35.310620 latitude and -119.145270 longitude; then, easterly along said line to the point of the beginning.

....

Note: Authority cited: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.
Reference: Sections 407, 5301, 5302 and 5322, Food and Agricultural Code.