

**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 section: 3435(b)

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2016-0506-04E

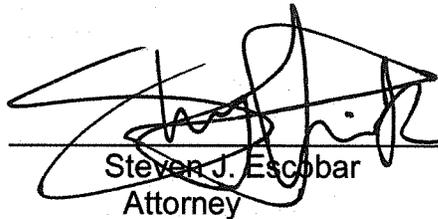
OAL Matter Type: Emergency (E)

This emergency rulemaking by the Department of Food and Agriculture (the "Department") expands the quarantine area for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* in the Delano area of Kern County. The Delano quarantine area is expanded by approximately 111 square miles and is expanded in response to the identification of one adult ACP on April 15, 2016. As a result of this emergency rulemaking, the quarantine areas in the Buttonwillow, Mettler, Shafter, Taft, and Wasco areas of Kern County are combined into the Delano quarantine area. 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 5/11/2016 and will expire on 11/8/2016. The Certificate of Compliance for this action is due no later than 11/7/2016.

Date: May 11, 2016



Steven J. Escobar
Attorney

For: Debra M. Cornez
Director

Original: Karen Ross
Copy: Sara Khalid

EMERGENCY

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-		2016-0506-04E

For use by Office of Administrative Law (OAL) only

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

MAY 11 2016

1:36 PM

2016 MAY -6 P 3:33

OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

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) REPEAL
TITLE(S) 3	

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 916-403-6625	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 5/5/16
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

MAY 11 2016

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Interior Quarantine.

....

(b) Area Under Quarantine:

....

(2) In Kern County:

(A) Along the Northern boundary:

...

(B) In the Delano, Taft, Shafter, Buttonwillow, Bakersfield, Mettler, and Wasco areas:

Beginning at the intersection of Shafter Avenue and Kimberlina Road; then, starting easterly along said road to its intersection with Lerdo Canal; then, southeasterly along said canal to its intersection with State Highway 99; then, southeasterly along said highway to its intersection with Lerdo Highway; then, easterly along said highway to its intersection with Zerker Road; then, northerly along said road to its intersection with Road 5039; then, easterly along said road to its intersection with an Imaginary Line at the end of said road; then, southeasterly along said line to its intersection with an Unnamed Creek at 35.505503 latitude and -119.074684 longitude; then, northeasterly along said creek to its intersection with an Imaginary Line at 35.513800 latitude and -119.058270 longitude; then, northeasterly along an Imaginary Line to its intersection with S Granite Road at 35.526995 latitude and -118.975172 longitude; 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, southerly along an Unnamed Road to its intersection with an Imaginary Line at the end of said road; then, easterly along said line to its intersection with Raphael Avenue; then, southeasterly along said avenue to its intersection with Signorelli Street; then, southwesterly along said street to its intersection with Miramonte Drive; then, southerly along said drive to its intersection with Casa Club Drive; then, easterly along said drive to its intersection with Levanto Street; then, northeasterly along said street to its intersection with Menaggio Lane; then, southerly along said lane to its intersection with De la Guerra Terrace; then, southerly along said terrace to its intersection with an Imaginary Line at the end of said terrace; then, southeasterly along said line to its intersection with Neumarkel Road; then, southerly along Neumarkel Road to its intersection with an Imaginary Line at 35.322393 latitude and -118.789586 longitude; then, southerly along said line to its intersection with California Highway 58 at 35.317309 latitude and -118.789577 longitude; then, southeasterly along California Highway 58 to its intersection with an Imaginary Line at 35.309007 latitude and -118.779993 longitude; then, southerly along said line to its intersection with Neumarkel Road at the beginning of said road; then, southerly along Neumarkel Road to its intersection with an Unnamed Road at 35.296830 latitude and -118.788867 longitude; then, easterly along said road to its intersection with an Imaginary Line at 35.296643 latitude and -118.764090 longitude; then, easterly along an Imaginary Line to its intersection with California Highway 58 at 35.2968150 latitude and -118.763716 longitude; then, southeasterly along said highway to its intersection with White Wolf Road; then, southwesterly along said road to its intersection with an Unnamed Creek at 35.220173 latitude and -118.714107 longitude; then, southeasterly along said creek to its intersection with an Imaginary Line at the end of said creek; then, southerly along said line to its intersection with Chester Court at the beginning of said court; then, southerly along said court to its intersection with an Unnamed Creek at 35.199764 latitude and -118.683327 longitude; then, southerly along said creek to its intersection with an Imaginary Line at 35.182190 latitude and -118.691132 longitude; then, southerly along an Imaginary Line to its intersection with El Paso Creek at 35.994800 latitude and -118.687704 longitude; then, southwesterly along an Imaginary

Line to its intersection with the California Aqueduct at 34.946961 latitude and -118.829398 longitude; then, southwesterly along said aqueduct to its intersection with Edmonston Pumping Plant Road; then, westerly along an Imaginary Line to its intersection with Grapevine Road East until the end of said line; then, southwesterly along said road to its intersection with an Unnamed Road at 34.936476 latitude and -118.944383 longitude; then, southwesterly along an Imaginary Line to its intersection with Pleito Creek at 34.924999 latitude and -119.081841 longitude; then, northwesterly along an Imaginary Line to an Unnamed Road at 34.959795 latitude and -119.281730 longitude; then, northwesterly along an Imaginary Line to its intersection with an Unnamed Road at 35.026806 latitude and -119.331158 longitude; then, northerly along said road to its intersection with Maricopa Highway; then, westerly along said highway to its intersection with California Street; then, northerly along said street to its intersection with Westside Highway; then, northerly along said highway to its intersection with Kerto Road; then, westerly along an Imaginary Line to its intersection with the Kern County Boundary Line at 35.076829 latitude and -119.472548 longitude; then, northwesterly along the Kern County Boundary Line to its intersection with an Imaginary Line at 35.179975 latitude and -119.553639 longitude; then, easterly along said line to its intersection with Mocal Road at 35.179931 latitude and -119.549414 longitude; then, easterly along said road to its intersection with Randall Road; then, northerly along said road to its intersection with Highway 33; then, northwesterly along said highway to its intersection with Mocal Road; then, northeasterly along an Imaginary Line to its intersection with Elk Hills Road at 35.235482 latitude and -119.445854 longitude; then, southeasterly along an Unnamed Road to its intersection with Tank Farm Road; then, easterly along said road to its intersection with Tank Farm Road at 35.230803 latitude and -119.393931 longitude; then, southerly along said road to its intersection with Dustin Acres Road; then, easterly along said road to its intersection with an Imaginary Line at the end of said road; then, easterly along said line to its intersection with the California Aqueduct at 35.217121 latitude and -119.356714 longitude; then, southerly along said the California Aqueduct to its intersection with an Imaginary Line at 35.195469 latitude and -119.358495 longitude; then, easterly along said line to its intersection with an Unnamed Creek at 35.195424 latitude and -

119.357148 longitude; then, easterly along an Unnamed Creek to its intersection with an Imaginary Line at 35.194534 latitude and -119.235491 longitude; then, easterly along said line to its intersection with Coles Levee Road and Pieri Road; then, easterly along said road to its intersection with Hill Road; then, southerly along said road to its intersection with Millux Road; then, easterly along said road 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 the Southern Pacific Railroad at 35.310620 latitude and -119.145270 longitude; then, westerly along said railroad to its intersection with Enos Lane; then, northerly along said lane to its intersection with State Highway 58; then, westerly along said highway to its intersection with Cannon Street; then, southerly along said street to its intersection with Old Town Road; then, easterly along said road to its intersection with Bussell Road; then, southerly along said road to its intersection with Stockdale Highway; then, westerly along said highway to its intersection with Morris Road; then, southerly along said road to its intersection with Station Road; then, westerly along said road to its intersection with Tupman Road; then, southerly along Tupman Road to its intersection with an Imaginary Line at 35.312168 latitude and -119.376729 longitude; then, westerly along said line to its intersection with Elk Hills Road at 35.309537 latitude and -119.468392 longitude; then, northwesterly along said line to its intersection with State Highway 58 and an Imaginary Line at 35.370045 latitude and -119.570496 longitude; then, northwesterly along said line to its intersection with 7th Standard Road at 35.441539 latitude and -119.586967 longitude; then, easterly along said road to its intersection with Main Drain Road; then, northwesterly along said road to its intersection with Milan Road; then, northerly along said road to its intersection with Vlasnik Road; then, westerly along said road to its intersection with Main Drain Road; then, northwesterly along Main Drain Road to its intersection with Lerdo Highway; then, easterly along said highway to its intersection with Rowlee Road; then, southerly along said road to its intersection with Riverside Street; then, easterly along said street to its intersection with an Unnamed Road at 35.485737 latitude and -

119.408187 longitude; then, southerly along said road to its intersection with Burbank Street; then, easterly along said street to its intersection with Leonard Street; then, northerly along said street to its intersection with W Lerdo Highway; then, westerly along said highway to its intersection with Scofield Road; then, northerly along said road to its intersection with Fresno Avenue; then, westerly along said avenue to its intersection with Jumper Street; then, northerly along said street to its intersection with Merced Avenue; then, westerly along said avenue to its intersection with Wildwood Road; then, northerly along said road to its intersection an Unnamed Creek at 35.659542 latitude and -119.437520 longitude; then, easterly along said creek to its intersection with Hanawalt Avenue; then, easterly along said avenue to its intersection with an Unnamed Road; then, southerly along said road to its intersection with Taussig Avenue; then, easterly along said avenue to its intersection with the Central Valley Highway; then, northerly along said highway to its intersection with Wasco Pond Road; then, northerly along said road to its intersection with Cecil Avenue; then, easterly along said avenue to its intersection with an Unnamed Creek at 35.775749 latitude and -119.320829 longitude; then, northeasterly along an Imaginary Line to its intersection with Wasco Pond Road at 35.776099 latitude and -119.320674 longitude; then, northerly along said road to its intersection with the Kern County Boundary Line; then, easterly along said boundary line to its intersection with Famoso Porterville Highway; then, southwesterly along said highway to its intersection with Kyte Road; State Highway 43; then, southerly along said highway road to its intersection with Whisler Road; then, westerly along said road to its intersection with Famoso Porterville Highway; then, westerly along said highway to its intersection with Whisler Road; then, westerly along Whisler Road to its intersection with an Imaginary Line at 35.645556 latitude and -119.203054 longitude; then, westerly along said line to its intersection with Driver Road and Whisler Road; then, easterlywesterly along said Whisler rRoad to its intersection with Smith Avenue; then, southeasterly along said avenue to its end; then, easterly along an imaginary line to its intersection with an Unnamed Creek at 35.630592 latitude and -119.276662 longitude; then, easterly along said creek to its intersection with an imaginary line at 35.630589 latitude and -119.263408 longitude; then, southerly along an imaginary line to its intersection with the northernmost point of Stradley Avenue; then, southerly along

said avenue to its intersection with McCombs Road; then, easterly along said road to its intersection with an Unnamed Road; then, southerly along said road to its intersection with State Highway 46; then, westerly along said highway to its intersection with Beech Avenue; then, southerly along said avenue to its southernmost point; then, southwesterly along an Imaginary Line to the point of beginning.

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

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