

**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: 2016-0520-02E

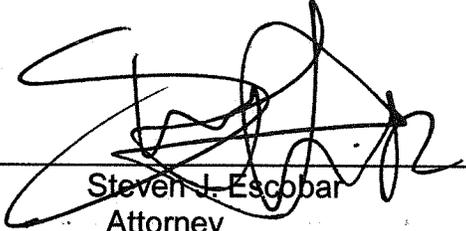
OAL Matter Type: Emergency (E)

This emergency rulemaking by the Department of Food and Agriculture (the "Department") establishes a quarantine area for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* in the Tracy area of San Joaquin County. The Tracy quarantine area is approximately 98 square miles and is created in response to the identification of one adult ACP on April 27, 2016. 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 5/23/2016 and will expire on 11/22/2016. The Certificate of Compliance for this action is due no later than 11/21/2016.p

Date: May 23, 2016



Steven J. Escobar
Attorney

For: Debra M. Cornez
Director

Original: Karen Ross
Copy: Sara Khalid

NOTICE PUBLICATION/REGULATIONS SUBMISSION

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 2016-0520-02E
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For use by Office of Administrative Law (OAL) only

<p>2016 MAY 20 P 12:02</p> <p>OFFICE OF ADMINISTRATIVE LAW</p>	
NOTICE	REGULATIONS

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

MAY 23 2016

1:44PM

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 <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 916-403-6625	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 	DATE 5/19/16
TYPED NAME AND TITLE OF SIGNATORY Robert Wynn, Statewide Coordinator, Pierce's Disease Control Program	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 23 2016

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Interior Quarantine.

....

(b) Area Under Quarantine:

....

(5) In San Joaquin County:

(A) In the Lodi area:

(B) In the Manteca area:

(C) In the Tracy area: Beginning at the intersection of the San Joaquin County Boundary and Mascot Boulevard; then, starting easterly along said boulevard to its intersection with S De Anza Boulevard; then, northerly along said boulevard to its intersection with Wicklund Way Crossing; then, easterly along said crossing to its intersection with Mountain House Parkway; then, northerly along said parkway to its intersection with W Byron Road; then, southeasterly along said road to its intersection with Henderson Road; then, northerly along said road to its intersection with W Bethany Road; then, easterly along said road to its intersection with W I D Canal; then, northeasterly along said canal to its intersection with W I D Canal at 37.790787 latitude and -121.514906 longitude; then, northerly along said canal to its intersection with Finck Road at 37.791385 latitude and -121.514118 longitude; then, easterly along said road to its intersection with S Tracy Boulevard; then, southerly along said boulevard to its intersection with W Tracy Boulevard; then, easterly along said boulevard to its intersection with S Tracy Boulevard; then, southerly along said boulevard to its intersection with W Sugar Road; then, easterly along said road to its intersection with Holly Drive; then, southerly along said drive to its intersection with Arbor Road; then, easterly along said road to its intersection with Paradise Road; then, southerly along said road to its intersection with S Paradise Avenue; then, southerly along said avenue to its intersection with W Grant Line Road; then, easterly along said road to its intersection with S Banta Road; then, southerly along said road to its intersection with W

per agency
request

S.J.E.,

05-23-2016

Linne Road; then, southerly along an Imaginary Line to its intersection with W Durham Ferry Road at 37.667148 latitude and -121.379590 longitude; then, westerly along said road to its intersection with S Chrisman Road; then, southerly along said road to its intersection with W Vernalis Road; then, westerly along said road to its intersection with an Imaginary Line at the end of said road; then, continuing westerly along said line to its intersection with W Corral Hollow Road at 37.629646 latitude and -121.515829 longitude; then, westerly along said road to its intersection with the San Joaquin County Boundary; then, northerly along said boundary to the point of the 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.