

**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: 2016-0614-03

OAL Matter Type: Emergency (E)

This emergency rulemaking action by the Department of Food and Agriculture amends section 3435(b) of title 3 of the California Code of Regulations to expand the existing quarantine area for the Asian Citrus Psyllid ("ACP"), *Diaphorina citri*, in Kern County. This quarantine area expansion is in response to the identification of two adult ACPs from a trap in the Lost Hills area of Kern County on May 18, 2016. The effect of this emergency action provides authority for the State to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, San Bernardino, San Diego, Santa Barbara, Riverside, Tulare, and Ventura, and portions of Fresno, Kern, Madera, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, Alameda, Stanislaus and Kings counties that were already under quarantine for ACP, totaling approximately 54,538 square miles.

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 6/16/2016 and will expire on 12/14/2016. The Certificate of Compliance for this action is due no later than 12/13/2016.

Date: June 16, 2016



Nicole C. Carrillo
Attorney

Original: Karen Ross
Copy: Sara Khalid

For: Debra M. Cornez
Director

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 Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-0614-03E
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For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
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AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture	AGENCY FILE NUMBER (If any)
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUN 16 2016

1:39 PM

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)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other (Specify) _____

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

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 6/13/16
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

JUN 16 2016

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Interior Quarantine.

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(b) Area Under Quarantine:

....

(1) In Kern County:

(A) Along the Northern boundary:

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

(C) In the Lost Hills area: Beginning at the intersection of Holloway Gypsum and Holloway Road; then, starting northwesterly along Holloway Road to its intersection with an Imaginary Line at 35.673246 latitude and -119.786302 longitude; then, easterly along said line to its intersection with an Unnamed Road at 35.673516 latitude and -119.765423 longitude; then, easterly along said road to its intersection to its intersection with an Unnamed Creek at 35.673619 latitude and -119.755621 longitude; then, easterly along an Imaginary Line to its intersection with the California Aqueduct at 35.673767 latitude and -119.751837 longitude; then, northwesterly along the California Aqueduct to its intersection with an Imaginary Line at 35.677585 latitude and -119.754673 longitude; then, northeasterly along said line to its intersection with an Unnamed Road at 35.679854 latitude and -119.748041 longitude; then, northeasterly along said road to its intersection with an Unnamed Road at 35.680791 latitude and -119.743338 longitude; then, northerly along said road to its intersection with an Unnamed Road at 35.688244 latitude and -119.743474 longitude; then, easterly along said road to its intersection with I-5; then easterly along an Imaginary Line to its intersection with an Unnamed Road at 35.688515 latitude and -119.706356 longitude; then, easterly along an Unnamed Road to its intersection with an Unnamed Road at 35.688707 latitude and -119.663173 longitude; then, southeasterly along an Imaginary Line to its intersection with an Unnamed Creek at 35.685081 latitude and -119.653446 longitude; then, easterly along said creek to its intersection with Goose Lake Drainage

Canal; then, southerly along Goose Lake Drainage Canal to its intersection with an Imaginary Line at 35.661745 latitude and -119.622005 longitude; then, southeasterly along said line to its intersection with an Unnamed Road at 35.659555 latitude and -119.618958 longitude; then, easterly along said road to its intersection with Corcoran Road; then, southerly along said road to its intersection with an Unnamed Road at 35.630158 latitude and -119.580083 longitude; then, westerly along said road to its intersection with an Unnamed Road at 35.630188 latitude and -119.597792 longitude; then, southerly along said road to its intersection with Highway 46; then, easterly along said highway to its intersection with an Unnamed Road at 35.615787 latitude and -119.597915 longitude; then, southerly along said road to its intersection with Goose Lake Canal; then, southeasterly along said canal to its intersection with an Unnamed Creek at 35.601187 latitude and -119.595230 longitude; then, southwesterly along said creek to its intersection with an Unnamed Creek at 35.593896 latitude and -119.598391 longitude; then, southwesterly along said creek to its intersection with an Unnamed Creek at 35.575472 latitude and -119.606584 longitude; then, westerly along said creek to its intersection with Main East Side Canal; then, southwesterly along said canal to its intersection with an Unnamed Creek at 35.571975 latitude and -119.616168 longitude; then, northwesterly along an Unnamed Creek to its intersection with an Imaginary Line at 35.572454 latitude and -119.617249 longitude; then, westerly along said line to its intersection with Main Drain Road at 35.572426 latitude and -119.617678 longitude; then, southerly along said road to its intersection with an Unnamed Road at 35.557430 latitude and -119.617834 longitude; then, westerly along said road to its intersection with the Kern River Flood Canal; then, southerly along the Kern River Flood Canal to its intersection with an Imaginary Line at 35.550938 latitude and -119.628629 longitude; then, westerly along said line to its intersection with an Unnamed Road at 35.550927 latitude and -119.636373 longitude; then, southerly along said road to its intersection with an Unnamed Road at 35.547342 latitude and -119.636399 longitude; then, westerly along said road to its intersection with an Unnamed Road at 35.547279 latitude and -119.645316 longitude; then, southerly along said road to its intersection with an Unnamed Road at 35.543596 latitude and -119.645316 longitude; then, westerly along said road to its intersection with the California Aqueduct at 35.543482 latitude and

-119.664568 longitude; then, southerly along an Imaginary Line to its intersection with the California Aqueduct at 35.536278 latitude and -119.663053 longitude; then, westerly along an Imaginary Line to its intersection with an Unnamed Road at 35.536272 latitude and -119.664138 longitude; then, westerly along said road to its intersection with an Unnamed Road at 35.535885 latitude and -119.716500 longitude; then, northerly along said road to its intersection with an Unnamed Road at 35.543107 latitude and -119.716554 longitude; then, westerly along said road to its intersection with an Unnamed Creek at 35.542926 latitude and -119.740696 longitude; then, northwesterly along said creek to its intersection with an Unnamed Road at 35.557407 latitude and -119.748433 longitude; then, westerly along said road to its intersection with an Unnamed Road at 35.557205 latitude and -119.778926 longitude; then, northerly along said road to its intersection with an Unnamed Road at 35.571848 latitude and -119.778895 longitude; then, westerly along said road to its intersection with Brown Material Road; then, westerly along an Imaginary Line to its intersection with an Unnamed Road at 35.571804 latitude and -119.787712 longitude; then, northerly along an Imaginary Line to its intersection with Highway 46 at 35.615808 latitude and -119.787866 longitude; then, westerly along said highway to its intersection with an Unnamed Road at 35.615847 latitude and -119.796472 longitude; then, northerly along said road to its intersection with an Unnamed Road at 35.636667 latitude and -119.796585 longitude; then, easterly along said road to its intersection with an Unnamed Road at 35.636710 latitude and -119.796343 longitude; then, northerly along said road to its intersection with an Unnamed Road at 35.644054 latitude and -119.796431 longitude; then, easterly along said road to its intersection with an Unnamed Road at 35.644085 latitude and -119.793008 longitude; then, northerly along said road to its intersection with an Unnamed Road at 35.646103 latitude and -119.792996 longitude; then, northeasterly 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.