

**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: 2016-0629-03

OAL Matter Type: Emergency (E)

This emergency rulemaking action by the Department of Food and Agriculture expands the quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) by approximately 15 square miles in the Delano-McFarland area of Kern County. The effect of the expansion will be to provide authority for the State to perform quarantine activities against ACP within the 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 7/7/2016 and will expire on 1/4/2017. The Certificate of Compliance for this action is due no later than 1/3/2017.

Date: July 7, 2016



Dale P. Mentink
Senior 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 2016-0629-03E
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For use by Office of Administrative Law (OAL) only

<p>NOTICE</p>	<p>REGULATIONS</p>
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUL 07 2016

1:46 PM

2016 JUN 29 A 9:30
OFFICE OF
ADMINISTRATIVE LAW

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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE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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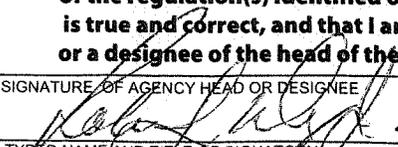
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<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 	DATE 6/27/16
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

JUL 07 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: 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 to its intersection with an Unnamed Creek at 35.514784 latitude and -118.900084 longitude; then, northeasterly along said creek to its intersection with Poso Creek; then, southeasterly along said creek to its intersection with Rattlesnake Creek; then, easterly along said creek to its intersection with an Unnamed Creek at 35.512060 latitude and -118.801422 longitude; then, northeasterly along an Unnamed Creek to its intersection with an Imaginary Line at 35.529024 latitude and -118.772090 longitude; then, southeasterly along said line to its intersection with an Unnamed Creek at 35.505618

latitude and -118.760567 longitude; then, easterly along an Unnamed Creek to its intersection with an Imaginary Line at 35.528558 latitude and -118.771821 longitude; then, southerly along said line to its intersection with an Unnamed Creek at 35.504941 latitude and -118.726413 longitude; then, southerly along said creek to its intersection with the Kern River; then, southeasterly along said river to its intersection with Stark Creek; then, southeasterly along said creek to its intersection with an Unnamed Creek at 35.454800 latitude and -118.708432 longitude; then, southwesterly along an Unnamed Creek to its intersection with an Imaginary Line at 35.442430 latitude and -118.719765 longitude; then, westerly along said line to its intersection with Barker Creek at the beginning of said creek; then, southerly along said creek to its intersection with Cottonwood Creek and an Imaginary Line; then, southwesterly along said line to its intersection with an Unnamed Creek at 35.391213 latitude and -118.743239 longitude; then, southwesterly along an Unnamed Creek to its intersection with an Imaginary Line at 35.377653 latitude and -118.750925 longitude; then, southwesterly along said line to its intersection with an Unnamed Road at 35.369668 latitude and -118.765379 longitude; then, southeasterly along said road to its intersection with an Unnamed Creek at 35.336386 latitude and -118.751585 longitude; then, southerly along an Imaginary Line to its intersection with Bena Road and General Beale Road; then, southerly along General Beale Road to its intersection with an Unnamed Creek at 35.323127 latitude and -118.752870 longitude; then, southwesterly along said creek to its intersection with Neumarkel Road; then, southerly along Neumarkel Road to its intersection with an Imaginary Line at 35.312442 latitude and -118.779494 longitude; then, southerly along said line to its intersection with CA Highway 58 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, southeasterly 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, southwesterly along said road to its intersection with Western Minerals Road; then, northwesterly along said road to its intersection with Pentland Road; then, southerly along Pentland Road to its intersection with an Imaginary Line at 35.018167 latitude and -119.348767 longitude; then, southwesterly along said line to its intersection with an Unnamed Road at 35.011632 latitude and -119.388568 longitude; then, northwesterly along said road to its intersection with Highway 33; then, northwesterly along an Imaginary Line to its intersection with Bitterwater Creek and Elkhorn Grade Road; then, southwesterly along said to its intersection with the Kern County Boundary Line; then, northerly 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; then, southerly along said 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, westerly along said road to its intersection with Zerker Road; then, southerly along said road to its intersection with Phillips Road; then, westerly along said road to its intersection with Wallace Road; then, southerly along said road to its intersection with McCombs Road; then, westerly along said road to its intersection with Driver Road; then, southerly along said intersection to its intersection with Famoso Road; then, westerly along said road to its intersection with Paso Robles Highway; ~~Whisler Road 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, southwestery 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.