

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Amend section: 3435(b)

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2016-0801-01

OAL Matter Type: Emergency (E)

This emergency rulemaking by the Department of Food and Agriculture establishes the quarantine for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* of approximately 112 square miles in the Livingston area of Merced County, expanding into the Merced area of Merced County and the Stanislaus and Merced counties 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 8/3/2016 and will expire on 1/31/2017. The Certificate of Compliance for this action is due no later than 1/30/2017.

Date: August 3, 2016



Nicole C. Carrillo
Attorney

**For: Debra M. Cornez
Director**

**Original: Karen Ross
Copy: Sara Khalid**

EMERGENCY

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2016-0801-01E
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For use by Office of Administrative Law (OAL) only

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

AUG 03 2016

1:23 PM

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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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE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)
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 7/27/16
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

AUG 03 2016

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Interior Quarantine.

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(b) Area Under Quarantine:

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(8) In Stanislaus and Merced Counties: Beginning at the intersection of E Monte Vista Road and Central Avenue; then, northerly along said avenue to its intersection with E Taylor Road; then, easterly along said road to its intersection with Moffett Road; then, continuing northerly along Moffett Road to its intersection with E Keyes Road; then, easterly along said road to its intersection with Prairie Flower Road; then, northerly along said road to its intersection with Kaiser Road; then, southeasterly along said road to its intersection with Faith Home Road; then, northerly along said road to its intersection with TID Canal Upper Lateral Number 2 1-2; then, easterly along said canal to its intersection with Pioneer Road; then, northerly along said road to its intersection with E Service Road; then, easterly along said road to its intersection with Burlington Northern and Santa Fe Railroad; then, southeasterly along said railroad to its intersection with Geer Road; then, southerly along said road to its intersection with E Grayson Road; then, easterly along said road to an Imaginary Line; then, easterly along said line to its intersection with E Grayson Road at 37.565607 latitude and -120.833252 longitude; then, continuing easterly along E Grayson Road to its intersection with S Waring Road; then, southerly along said road to its intersection with E Keyes Road; then, easterly along said road to its intersection with Merriam Road; then, southerly along said road to its intersection with E Taylor Road; then, easterly along said road to its intersection with N Hickman Road; then, southerly along said road to its intersection with East Avenue; then, westerly along said avenue to its intersection with Vincent Road; then, continuing southerly along Vincent Road to its intersection with ~~Shanks Road~~North Avenue; then, easterly along said avenue to its intersection with Sycamore Street; then, northerly along said street to its intersection with Bradbury Road; then, easterly along said road to its intersection with Park Street W; then, easterly along an Imaginary Line to its intersection with Santa Fe Drive and Bradbury Road; then, easterly along said road to its intersection with an Unnamed Road at 37.447697 latitude and -120.643813 longitude; then, southeasterly along an Unnamed Road to its intersection with an Imaginary Line at 37.445047 latitude and -120.640119 longitude; then, southerly along said line to its intersection with the south bank of the Merced River at 37.444146 latitude and -120.639630 longitude; then, southerly along an Imaginary Line to its intersection with an Unnamed Road at 37.431425 latitude and -120.639690 longitude; then, southeasterly along said road to its

intersection with Meadow Drive; then, easterly along said drive to its intersection with Shaffer Road; then, northerly along said road to its intersection with Fisher Road; then, easterly along said road to its intersection with Oakdale Road; then, southeasterly along said road to its intersection with Amsterdam Road; then, northeasterly along said road to its intersection with Kenney Avenue; then, easterly along said avenue to its intersection with an Imaginary Line at the end of said avenue; then, easterly along said line to its intersection with Snelling Road and Parkinson Creek; then, southeasterly along said creek to its intersection with Snelling Road; then, southerly along said road to its intersection with La Paloma Road; then, northeasterly along La Paloma Road to its intersection with an Imaginary Line at 37.416949 latitude and -120.399150 longitude; then, southeasterly along said line to its intersection with Applegate Lateral Canal and N Arboleda Drive; then, southerly along said drive to its intersection with E Yosemite Avenue; then, westerly along said avenue to its intersection with Kibby Road; then, southerly along said road to its intersection with CA Highway 140; then, westerly along said highway to its intersection with Carol Avenue; then, southerly along said avenue to its intersection with E Childs Avenue; then, westerly along said avenue to its intersection with Tyler Road; then, southerly along said road to its intersection with E Mission Avenue; then, westerly along said avenue to its intersection with W Dickenson Ferry Road; then, westerly along said road to its intersection with S Gurr Road; then, northerly along said road to its intersection with McSwain Road; then, westerly along said road to its intersection with CA Highway 140; then, westerly along said highway to its intersection with Weir Avenue; then, northerly along said avenue to its intersection with Bell Drive; then, westerly along said drive to its intersection with Griffith Avenue; then, northerly along said avenue to its intersection with an Imaginary Line at the terminus of said avenue; then, northerly along said line to its intersection with Griffith Avenue at 37.385735 latitude and -120.813985 longitude; then, northerly along said avenue to its intersection with High Fine Canal; then, northeasterly along said canal to its intersection with Merced Avenue; then, northerly along said avenue then, ~~southwesterly along said road~~ to its intersection with Letteau Avenue; then, westerly along said avenue to its intersection with Griffith Avenue; then, southerly along said avenue to its intersection with August Avenue; then, westerly along said avenue to its intersection with Faith Home Road; then, northerly along said road to its intersection with TID Canal Lateral Number 5 1-2; then, northwesterly along said canal to its intersection with S Blaker Road; then, northerly along said road to its intersection with N Blaker Road; then, northerly along said road to its intersection with Fulkerth Road; then, northerly along said road to its intersection with Tidewater Southern Railroad; then,

northwesterly along said railroad to E Monte Vista Road; then, easterly along said road to the point of the beginning.

....

~~(12) In Merced County, in the Merced area: Beginning at the intersection of Eucalyptus Avenue and N Buhach Road; then, starting northerly along said road to its intersection with Fisher Road; then, easterly along said road to its intersection with Oakdale Road; then, southeasterly along said road to its intersection with Amsterdam Road; then, northeasterly along said road to its intersection with Kenney Avenue; then, easterly along said avenue to its intersection with an Imaginary Line at the end of said avenue; then, easterly along said line to its intersection with Snelling Road and Parkinson Creek; then, southeasterly along said creek to its intersection with Snelling Road; then, southerly along said road to its intersection with La Paloma Road; then, northeasterly along La Paloma Road to its intersection with an Imaginary Line at 37.416949 latitude and 120.399150 longitude; then, southeasterly along said line to its intersection with Applegate Lateral Canal and N Arboleda Drive; then, southerly along said drive to its intersection with E Yosemite Avenue; then, westerly along said avenue to its intersection with Kibby Road; then, southerly along said road to its intersection with E State Highway 140; then, westerly along said highway to its intersection with Carol Avenue; then, southerly along said avenue to its intersection with E Childs Avenue; then, westerly along said avenue to its intersection with Tyler Road; then, southerly along said road to its intersection with E Mission Avenue; then, westerly along said avenue to its intersection with W Dickenson Ferry Road; then, westerly along said road to its intersection with S Gurr Road; then, northerly along said road to its intersection with McSwain Road; then, westerly along said road to intersection with N Buhach Road; then, northerly along said road to its intersection with Landram Avenue; then, westerly along said avenue to its intersection with Station Avenue; then, northerly along said avenue to its intersection with Mulberry Avenue; then, westerly along said avenue to its intersection with Clydesdale Avenue; then, northeasterly along said avenue to its intersection with Fleming Road; then, northwesterly along said road to its intersection with Giannini Road; then, northeasterly along said road to its intersection with Commerce Avenue; then, northerly along an Imaginary Line to its intersection with Atwater Boulevard and Shaffer Road; then, northerly along Shaffer Road to its intersection with Eucalyptus Avenue; then, easterly along said avenue to the point of beginning.~~

(132) In Monterey County, in the Salinas area:

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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.