

**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: 2016-0915-01

OAL Matter Type: Emergency (E)

This emergency regulatory action by the Department of Food and Agriculture expands the quarantine area for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* by approximately 3 square miles in the San Jose area of Santa Clara County. The amendment 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 9/20/2016 and will expire on 3/21/2017. The Certificate of Compliance for this action is due no later than 3/20/2017.

Date: September 20, 2016



Nicole C. Carrillo
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 2016-0915-01E
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ENDORSED - FILED
in the office of the Secretary of State
of the State of California

SEP 20 2016

1:55 pm

For use by Office of Administrative Law (OAL) only	
NOTICE	REGULATIONS

2016 SEP 15 A 11: 26
OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY Department of Food and Agriculture	AGENCY FILE NUMBER (if any)
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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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE	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)	ADOPT
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	AMEND 3435(b)
TITLE(S) 3	REPEAL

3. TYPE OF FILING	<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §11349.3, 11349.4) <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		
	<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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)		
	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____		
	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only		

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 9/12/16
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

SEP 20 2016

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Quarantine.

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(b) Area Under Quarantine:

....

(3) In Santa Clara and Alameda Counties, in the San Jose and Milpitas areas:
Beginning at the intersection of El Camino Real and San Tomas Expressway; then, starting northerly along said expressway to its intersection with Interstate 101; then, northwesterly along said interstate to its intersection with Great America Parkway; then, northerly along said parkway to its intersection with America Center Drive; then, northwesterly along America Center Drive to its intersection with an Imaginary Line at 37.419605 latitude and -121.979870 longitude; then, northerly along said line to its intersection with the Union Pacific Railroad and Stevenson Boulevard; then, northeasterly along said boulevard to its intersection with Boyce Road; then, southeasterly along said road to its intersection with Auto Mall Parkway; then, northeasterly along said road to its intersection with Boscell Road; then, southeasterly along said road to its intersection with Bunche Drive; then, northeasterly along said drive to its intersection with Brandin Court; then, northeasterly along said court to its intersection with an Imaginary Line at the terminus of said court; then, northeasterly along said line to its intersection with Hannover Place at 37.504312 latitude and -121.962853 longitude; then, northeasterly along said place to its intersection with S Grimmer Boulevard; then, northwesterly along said boulevard to its intersection with Auto Mall Parkway; then, northeasterly along said boulevard to its intersection with Fremont Boulevard; then, southeasterly along said boulevard to its intersection with Old Warm Springs Boulevard; then, southeasterly along said boulevard to its intersection with Edison Way; then, northeasterly along Edison Way to its intersection with an Imaginary Line at 37.509210 latitude and -121.944687; then, northeasterly along said line to its intersection with Skyway Court at 37.510135 latitude and -121.941542 longitude; then, northeasterly along said court to its intersection with Osgood Road;

then, northwesterly along said road to its intersection with Auto Mall Parkway; then, northeasterly along said parkway to its intersection with Durham Road; then, easterly along said road to Paseo Padre Parkway; then, northerly along said parkway to its intersection with Pine Street; then, northeasterly along said street to its intersection with Anza-Pine Road; then, northeasterly along said road to Panorama Trail; then, southeasterly along said trail to its intersection with an Unnamed Road at 37.526398 latitude and -121.900830 longitude; then, northeasterly along said road to its intersection with Mill Creek Road; then, southeasterly along Mill Creek Road to its intersection with an Imaginary Line at 37.519268 latitude and -121.868891 longitude; then, southeasterly along said line to its intersection with Calaveras Road and Leyden Creek; then, easterly along said creek to its intersection with Camp Ohlone Road; then, southeasterly along said road to its intersection with Geary Road; then, southeasterly along said road to its intersection with Alameda Creek; then, southerly along said creek to its intersection with Alameda Diversion Tunnel; then, southwestery along said tunnel to its intersection with the Santa Clara County Line at 37.484067 latitude and -121.795776 longitude; then, easterly along said line to its intersection with an Imaginary Line at 37.484121 latitude and -121.782138 longitude; then, southerly along said line to its intersection with Arroyo Aguague at 37.382865 latitude and -121.772060 longitude; then, southeasterly along Arroyo Aguague to its intersection with Joseph D. Grant County Park Boundary; then, southwestery along said boundary to its intersection with an unnamed road at 37.308691 latitude and -121.715077 longitude; then, southwestery along said road to its intersection with an Unnamed Road at 37.289680 latitude and -121.713879 longitude; then, southerly along an Imaginary Line to its intersection with San Felipe Road at 37.267699 latitude and -121.735598 longitude; then, northwesterly along said road to its intersection with Early Morning Lane; then, southerly along an Imaginary Line to its intersection with Piercy Ranch Road at 37.247417 latitude and -121.750790 longitude; then, southwestery along said road to its intersection with Promenade Court; easterly along an Imaginary Line to its intersection with Yerba Buena Creek at 37.289514 latitude and -121.712155 longitude; then, southwestery along said creek to its intersection with Villa Vista Road; then, northwesterly along said road to its intersection with Cribari Hills; then, southwestery

~~along Cribari Hills to its intersection with Cribari Lane; then, southeasterly along said lane to its intersection with The Villages Parkway; then, easterly along said parkway to its intersection with The Villages Fairway; then, southwesterly along said fairway to its intersection with Village Hermosa Lane; then, southeasterly along said lane to its intersection with Chianti Court; then, westerly along said court to its intersection with an Imaginary Line at the end of said court; then, southerly along said line to its intersection with Meadowlands Lane at 37.283196 latitude and -121.745524 longitude; then, southwesterly along said lane to its intersection with San Felipe Road; then, southeasterly along said road to its intersection with Silver Creek Road; then, westerly along said road to its intersection with Silver Creek; then, southwesterly along an Imaginary Line to its intersection with Piercy Ranch Road and Promenade Court; then, westerly along said court to its intersection with Promenade Lane; then, southwesterly along said lane to its intersection with Basking Ridge Avenue; then, southerly along said avenue to its intersection with Coyote Creek Park Boundary at 37.239853 latitude and -121.762833 longitude; then, southwesterly along said boundary to its intersection with California Highway 85 N; then, westerly along said highway to its intersection with Via del Oro; then, southerly along said road to its intersection with San Ignacio Avenue; then, southwesterly along said avenue to its intersection with Santa Teresa Boulevard; ~~northwesterly along said highway to its intersection with Cottle Road; then, southerly along said road to its intersection with Santa Teresa Boulevard; then, northwesterly along said road boulevard to its intersection with Lean Avenue; then, southerly along said avenue to its intersection with Canoas Creek; then, westerly along said creek to its intersection with Snell Avenue; then, southerly along said avenue to its intersection with an Unnamed Road; then, southwesterly along said road to its intersection with Graystone Lane at 37.224365 latitude and -121.836883 longitude; then, southerly along said lane to its intersection with Camden Avenue; then, northwesterly along said avenue to its intersection with Almaden Expressway; then, northwesterly along said expressway to its intersection with Cloverhill Drive; then, southwesterly along an Imaginary Line to its intersection with Almaden Road and Bose Lane; then, southerly along said lane to its intersection with Camden Avenue; then, westerly along said avenue to its intersection with Firefly Drive; then, northerly along said drive to its intersection with Butterfly Drive;~~~~

then, westerly along said drive to its intersection with Silberman Drive; then, northerly along said drive to its intersection with Redmond Avenue; then, westerly along said avenue to its intersection with Coleman Road; then, southwesterly along said road to its intersection with Camden Avenue; then, northerly along said avenue to its intersection with Almond Blossom Lane; then, westerly along said lane to its intersection with Harwood Road; then, northerly along said road to its intersection with Blossom Hill Road; then, westerly along said road to its intersection with Leigh Avenue; then, northerly along said avenue to its intersection with Anne Way; then, westerly along said way to its intersection with Kensington Way; then, northerly along said way to its intersection with Hershner Drive; then, easterly along said drive to its intersection with Kentfield Drive; then, northerly along said drive to its intersection with Los Gatos Almaden Road; then, westerly along said road to its intersection with Union Avenue; then, northerly along said road to its intersection with Rosswood Drive; then, southwesterly along said drive to its intersection with Esther Drive; then, northerly along said drive to its intersection with Samaritan Drive; then, westerly along said drive to its intersection with Los Gatos Boulevard; then, northeasterly along said boulevard to its intersection with California Highway 85 N; then, northwesterly along said highway to its intersection with Winchester Boulevard; then, northeasterly along said boulevard to its intersection with W Hacienda Avenue; then, westerly along said avenue to its intersection with Virginia Avenue; then, northerly along said avenue to its intersection with W Campbell Avenue; then, easterly along said avenue to its intersection with San Tomas Expressway; then, northerly along said expressway to its intersection with Williams Road; then, westerly along said boulevard to its intersection with Boynton Avenue; then, northerly along said avenue to its intersection with Moorpark Avenue; then, westerly along said avenue to its intersection with Saratoga Avenue; then, northeasterly along said avenue to its intersection with Stevens Creek Boulevard; then, westerly along said boulevard to its intersection with Kiely Boulevard; then, northerly along said boulevard to its intersection with Barcells Avenue; then, northeasterly along said avenue to its intersection with Layton Street; then, northwesterly along said street to its intersection with Las Palmas Drive; then, northerly along said drive to its

intersection with El Camino Real; then, easterly along said camino 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.