

**State of California  
Office of Administrative Law**

In re:  
Department of Food and Agriculture

Regulatory Action:

Title 3, California Code of Regulations

Adopt sections:  
Amend sections: 3423(b)  
Repeal sections:

NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION

Government Code Sections 11346.1 and  
11349.6

OAL File No. 2011-1018-02 E

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The California Department of Food and Agriculture proposed by emergency regulatory action to make revisions to section 3423 of title 3 of the California Code of Regulations, Oriental Fruit Fly Interior Quarantine (Quarantine Regulation 28), to (1) add the Anaheim area in Orange and Los Angeles counties to the quarantine area and (2) expand the quarantine area in the northern area of Stockton in San Joaquin county by approximately three 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 10/19/2011 and will expire on 4/17/2012. The Certificate of Compliance for this action is due no later than 4/16/2012.

Date: 10/19/2011

**RAIG TARPENNING**

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Craig S. Tarpenning  
Senior Staff Counsel

For: DEBRA M. CORNEZ  
Assistant Chief Counsel/Acting Director

Original: Karen Ross  
Copy: Stephen S. Brown

# EMERGENCY

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

<b>OAL FILE NUMBERS</b>	NOTICE FILE NUMBER <b>Z-</b>	REGULATORY ACTION NUMBER	EMERGENCY NUMBER <b>2011-1018-02E</b>
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

2011 OCT 19 PM 1:21

*Debra Bowen*  
 DEBRA BOWEN  
 SECRETARY OF STATE

2011 OCT 18 PM 3:17  
 OFFICE OF ADMINISTRATIVE LAW

**AGENCY WITH RULEMAKING AUTHORITY**  
 Food and Agriculture

AGENCY FILE NUMBER (if any)  
 PH11047

**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)
<b>OAL USE ONLY</b>	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		PUBLICATION DATE

**B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)**

1a. SUBJECT OF REGULATION(S) Oriental Fruit Fly 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)	
<b>SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)</b>	ADOPT
	AMEND 3423(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 30th day after filing with Secretary of State	<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 Stephen S. Brown	TELEPHONE NUMBER (916) 654-1017	FAX NUMBER (Optional) (916) 654-1018	E-MAIL ADDRESS (Optional) sbrown@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 10/18/11
TYPED NAME AND TITLE OF SIGNATORY Nate Dechoretz, Deputy Secretary for Administration and Finance	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

OCT 19 2011

Office of Administrative Law

Amend Section 3423(b) to read:

Section 3423. Oriental Fruit Fly Interior Quarantine (Quarantine Regulation 28),

(a) Pest. Oriental fruit fly (*Bactrocera dorsalis*).

(b) Area Under Quarantine.

(1) In Los Angeles County, in the Pasadena and San Marino areas: ....

(2) In Orange and Los Angeles counties, in the Anaheim area: Beginning at the intersection of Artesia Boulevard and Marquardt Avenue; then, easterly along said boulevard to its intersection with Coyote Creek; then, northerly along said creek to its intersection with La Mirada Creek; then, starting northeasterly along said creek to its intersection with County Flood Control; then, starting easterly along County flood Control to its intersection with La Mirada Creek; then, starting northeasterly along said creek to its intersection with Imperial Highway; then, starting southeasterly along said highway to its intersection with S Brea Boulevard; then, southwesterly along said boulevard to its intersection with E Bastanchury Road; then, starting easterly along said road to its intersection with N State College Boulevard; then, starting southerly along said boulevard to its intersection with Yorba Linda Boulevard; then, starting northeasterly along said boulevard to its intersection with State Highway 57; then, southerly along said highway to its intersection with W Chapman Avenue; then, southeasterly along said avenue to its intersection with Murray Street; then, southwesterly along said street to its intersection with W Santa Fe Avenue; then, southeasterly along said avenue to its intersection with S Melrose Street; then, starting southwesterly along said street to its intersection with E Miraloma Avenue; then, southwesterly along said avenue to its intersection with State Highway 57; then, southerly along said highway to its intersection with E Ball Road; then, westerly along said road to its intersection with S State College Boulevard; then, southerly along said boulevard to its intersection with E Katella Avenue; then, westerly along said avenue to its intersection with S Haster Street; then, southerly along said street to its intersection with Chapman Avenue; then, westerly along said avenue to its intersection with Harbor Boulevard; then, southerly along said boulevard to its intersection with Lampson Avenue; then, westerly along said avenue to its intersection with Beach Boulevard; then, northerly along said boulevard to its intersection with Chapman Avenue; then, westerly along said avenue to its intersection with Knott Street; then, northerly along said street to its intersection with Stanton Storm Channel; then, westerly along said channel to its intersection with Valley View Street; then, northerly along said street to its

intersection with Ball Street; then, westerly along said street to its intersection with Walker Street; then, northerly along said street to its intersection with Marquardt Avenue; then, northerly along said avenue to the point of beginning.

(3) In San Joaquin County, in the Stockton area: Beginning at the intersection of US Interstate 5 and Pixley Slough; then, easterly along said slough to its intersection with Telephone Cut Creek; then, easterly along said creek to its intersection with an unnamed irrigation canal and Thornton Road; then, easterly along said canal to its intersection with N Davis Road; then, northerly along said road to its intersection with 38.079384 latitude and -121.333454 longitude; then, easterly along an imaginary line to its intersection with an unnamed road at 38.079315 latitude and -121.314074 longitude; then, easterly along said road to its intersection with N Lower Sacramento Road; then, northerly along said road to its intersection with E Armstrong Road; then, easterly along said road to its intersection with N Micke Grove Road; then, southerly along said road to its intersection with Pixley Slough; then, starting ~~north~~southeasterly along said slough to its intersection with State Highway 99; then, ~~southerly~~northerly along said highway to its intersection with ~~E Merse~~E Live Oak Road; then, easterly along said road to its intersection with the CCT Railroad tracks; then, southerly along said tracks to its intersection with 38.074263 latitude and -121.242560 longitude; then easterly along an imaginary line to its intersection with 38.074450 latitude and -121.237938 longitude; then, southerly along an imaginary line to its intersection with Bear Creek at 38.067358 latitude and -121.237946 longitude; then, starting easterly along said creek to its intersection with N Alpine Road; then, starting southeasterly along said road to its intersection with the Calaveras River; then, starting northeasterly along said river to its intersection with Pezzi Road; then, southeasterly along said road to its intersection with State Highway 88; then, starting southwesterly along said highway to its intersection with E Baker Road; then, easterly along said road to its intersection with N Confer Road; then, starting southerly along said road to its intersection with E Fairchild Road; then, southwesterly along said road to its intersection with Burge Road; then, southeasterly along said road to its intersection with the STKN Term and E Railroad tracks; then, starting southwesterly along said tracks to its intersection with N Alpine Road; then, starting southeasterly along said road to its intersection with E Main street; then, southwesterly along said street to its intersection with Gillis Road; then, southeasterly along said road to its intersection with State Highway 4; then, starting southwesterly along said highway to its intersection with E 8<sup>th</sup> Street; then, starting southwesterly along said street to its southwestern most point; then, southwesterly along an imaginary line to its intersection with the northeastern most point of Cloyne Court; then,

southwesterly along said court to its intersection with Peralta Avenue; then, northwesterly along said avenue to its intersection with E 8<sup>th</sup> Street; then, starting southwesterly along said street to its intersection with S Fresno Avenue; then, northerly along said avenue to its intersection with W Charter Way; then, southwesterly along said way to its intersection with the western shoreline of the San Joaquin River; then, starting northwesterly along said shoreline to its intersection with the AT and SF Railroad tracks; then, westerly along said tracks to its intersection with S Inland Drive; then, starting northerly along said drive to its intersection with W McDonald Road; then, westerly along said road to its intersection with S Holt Road; then, northerly along said road to its intersection with N Holt Road; then, northerly along said road to its intersection with Windmill Cv; then, northerly along an imaginary line to its intersection with the shoreline of the San Joaquin River at 37.996548 latitude and -121.420624 longitude; then, starting southwesterly along said shoreline to its intersection with 38.041977 latitude and -121.419706 longitude; then, northwesterly along an imaginary line to its intersection with the shoreline of the South Mokelumne River at 38.043848 latitude and -121.419661 longitude; then, starting northwesterly along said shoreline to its intersection with W Eight Mile Road; then easterly along said road to its intersection with US Interstate 5; then, northwesterly along said interstate to the point of the beginning.

(c) Articles and Commodities Covered. ....

Note: Authority: Sections 407, 5301, 5302, and 5322, Food and Agricultural Code.

Reference: Sections 5301, 5302, and 5322, Food and Agricultural Code.