

**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: 3437(b)  
Repeal sections:

NOTICE OF APPROVAL OF EMERGENCY  
REGULATORY ACTION

Government Code Sections 11346.1 and  
11349.6

OAL File No. 2011-0524-02 E

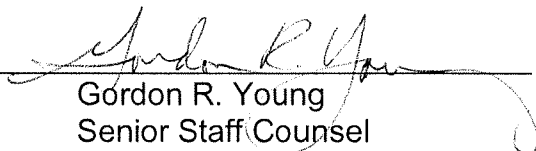
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This emergency action adds a new regulated area of 103 square miles in Nevada County to the existing European Grapevine Moth (EGVM) quarantine regulation. The total quarantine area will increase to 2,174 square miles.

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 5/31/2011 and will expire on 11/29/2011. The Certificate of Compliance for this action is due no later than 11/28/2011.

Date: 5/31/2011

  
Gordon R. Young  
Senior Staff Counsel

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

Original: Karen Ross  
Copy: Stephen S. Brown

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

EMERGENCY

For use by Secretary of State only

ENDORSED FILED IN THE OFFICE OF

2011 MAY 31 PM 2:52

Debra Bowen DEBRA BOWEN SECRETARY OF STATE

STD. 400 (REV. 01-09)

OAL FILE NUMBERS Z- NOTICE FILE NUMBER REGULATORY ACTION NUMBER EMERGENCY NUMBER 2011-0524-02E

For use by Office of Administrative Law (OAL) only 2011 MAY 24 PM 2:02 OFFICE OF ADMINISTRATIVE LAW

AGENCY WITH RULEMAKING AUTHORITY Food and Agriculture AGENCY FILE NUMBER (if any) PH11016

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 4. AGENCY CONTACT PERSON TELEPHONE NUMBER FAX NUMBER (Optional) OAL USE ONLY ACTION ON PROPOSED NOTICE NOTICE REGISTER NUMBER PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) European Grapevine Moth Interior Quarantine 1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)

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 3437(b) REPEAL TITLE(S) 3

3. TYPE OF FILING Regular Rulemaking (Gov. Code §11346) Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) Emergency (Gov. Code, §11346.1(b)) 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. Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1) Emergency Readopt (Gov. Code, §11346.1(h)) File & Print Other (Specify) Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) 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) Effective 30th day after filing with Secretary of State 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 Stephen S. Brown TELEPHONE NUMBER (916) 654-1017 FAX NUMBER (Optional) (916) 654-1018 E-MAIL ADDRESS (Optional) sbrown@cdfa.ca.gov

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 5/23/11 TYPED NAME AND TITLE OF SIGNATORY Nate Dechoretz, Deputy Secretary for Administration and Finance

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In Title 3, Division 4, Chapter 3, amend Section 3437 to read:

**Section 3437. European Grapevine Moth Interior Quarantine.**

A quarantine is established against the following pest, its hosts and possible carriers.

(a) Pest. European Grapevine Moth (*Lobesia botrana*).

(b) Area Under Quarantine.

(1) In Fresno County. [Continued]

(2) In Mendocino County. [Continued]

(3) In the County of Merced; in the Snelling area: [Continued]

(4) In Lake, Napa, Solano and Sonoma counties. [Continued]

(5) In Nevada County, in the Grass Valley area: Beginning at the intersection of Mooney Flat Rd and Iris Lee Ln; then starting northeasterly along said lane to its northern most point; then, northeasterly along an imaginary line to its intersection with the shoreline of Englebright Reservoir at 39.254983 latitude and -121.256718 longitude; then, starting easterly along said shoreline to its intersection with Pleasant Valley Rd at 39.292585 latitude and -121.193700 longitude; then, starting northeasterly along said road to its intersection with Cliff Rd; then, starting easterly along said road to its intersection with Birchville Rd; then, starting easterly along said road to its intersection with Miser Rd; then, starting southeasterly along said road to its intersection with Reader Ranch Rd; then, starting southerly along said road to its intersection with State Hwy 49; then, starting southeasterly along said highway to its intersection with 39.294922 latitude and -121.093577; then, southeasterly along an imaginary line to its intersection with the northwestern most point of Bodie Ridge Rd; then, starting easterly along said road to its intersection with Cement Hill Rd; then, easterly along said road to its intersection with Diamond Oaks Dr; then, starting southerly along said drive to its southeastern most point; then, southeasterly along an imaginary line to its intersection with the northwestern most point of Crooked Arrow Ln; then, starting southeasterly along said lane to its intersection with State Hwy 49; then, southeasterly along said highway to its intersection with Old Downieville Hwy; then, southeasterly along said highway to its intersection with Cedro Rd; then, southeasterly along said road to its southeastern most point; then, southeasterly along an imaginary line to the northern most point of Deer Creek Ln; then, starting

southerly along said lane to its intersection with Marjon Dr; then, starting southwesterly along said drive to its intersection with Ridge Rd; then, starting easterly along said road to its intersection with State Hwy 20; then, southwesterly along said highway to its intersection with Dorsey Dr; then, starting southeasterly to its intersection with Sutton Way; then, southwesterly along said way to its intersection with Idaho Maryland Rd; then, southwesterly along said road to its intersection with Centennial Dr; then, starting southeasterly along said drive to its intersection with Whispering Pine Ln; then, southeasterly along said lane to its intersection with E Bennett Rd; then, southwesterly along said road to its intersection with Lava Rock Ave; then, southeasterly along said avenue to its intersection with Slow Poke Ln; then, southerly along said lane to its southern most point; then, southwesterly along an imaginary line to its intersection with the eastern most point of Gold Hill Dr; then, northwesterly along said drive to its intersection with Copper Dr; then, starting southwesterly along said drive to its intersection with Silver Way; then, southwesterly along said way to its intersection with State Hwy 174; then, starting southeasterly along said highway to its intersection with Osborne Hill Rd; then, starting southwesterly along said road to its intersection with Brooks Rd; then, southwesterly along an imaginary line to its intersection with the northeastern most point of Amsel Way; then, starting southwesterly along said way to its intersection with La Barr Meadows Rd; then, starting southeasterly along said road to its intersection with Four Seasons Trl; then, starting westerly along said trail to its intersection with State Hwy 49; then, starting northeasterly along said highway to its intersection with Crestview Dr; then, starting southwesterly along said drive to its intersection with Wolf Hollow Rd; then, southerly along said road to its intersection with Little Way; then, southwesterly along said way to its southwestern most point; then, southwesterly along an imaginary line to its intersection with Harrison Way; then, southwesterly along said way to its intersection with Jasper Ln; then, starting southwesterly along said lane to its intersection with Allison Ranch Rd; then, southerly along said road to its intersection with Empire Star Mine Rd; then, starting westerly along said road to its intersection with 39.175207 latitude and -121.075008 longitude; then, southwesterly along an imaginary line to its intersection with Godfrey Ln and Auburn Rd; then, starting southwesterly along said lane to its intersection with Sunken Bridge

Rd; then, starting southwesterly along said road to its intersection with Luckie Rd; then, starting southwesterly along said road to its northwestern most point; then, southwesterly along an imaginary line to its intersection with Sutherland Dr and Wolf Mountain Rd; then, starting westerly along said drive to its intersection with Oak Hill Rd; then, starting southerly along said road to its western most point; then, southwesterly along an imaginary line to its intersection with Retrac Way and Ridgeback Ln; then, northwesterly along said lane to its intersection with an unnamed road at 39.152927 latitude and -121.134147 longitude; then, westerly along an imaginary line to its intersection with the eastern most point of Parsons Dr; then, starting northwesterly along said drive to its intersection with Oak Meadow Rd; then, starting northwesterly along said road to its intersection with Big Oaks Dr; then, starting northerly along said drive to its intersection with Melody Rd; then, starting northerly along said road to its intersection with State Hwy 20; then, starting southwesterly along said highway to its intersection with Mooney Flat Rd then, starting northwesterly along said road to the point of beginning.

(56) In San Joaquin County. [Continued]

(67) In Santa Clara County. [Continued]

(c) [Continued]

(d) [Continued]

Note: Authority: Sections 407 and 5322, Food and Agricultural Code

Reference: Sections 407, 5322, 5761, 5762 and 5763, Food and Agricultural Code

May 26, 2011