

**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. 2011-0620-01 E

This emergency regulatory action will expand the quarantine areas for the European Grapevine Moth (EGVM), *Lobesia botrana*, into a new area of Santa Cruz County. It is immediately necessary to implement quarantine actions in order to prevent the artificial spread of EGVM to the uninfested areas of California. This emergency action will expand the existing regulated area of Santa Cruz County by approximately 87 square miles, for a total of approximately 2,334 square miles statewide.

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 6/27/2011 and will expire on 12/28/2011. The Certificate of Compliance for this action is due no later than 12/27/2011.

Date: 6/27/2011



Debra M. Cornez
Assistant Chief Counsel/Acting Director

Original: Karen Ross
Copy: Stephen S. Brown

NOTICE PUBLICATION / REGULATIONS SUBMISSION

EMERGENCY

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-09)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2011-0620-01E
For use by Office of Administrative Law (OAL) only		2011 JUN 20 AM 10:03	
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Food and Agriculture			AGENCY FILE NUMBER (if any) PH11024

ENDORSED FILED IN THE OFFICE OF

2011 JUN 27 PM 2:17

OFFICE OF ADMINISTRATIVE LAW

Debra Bowen
DEBRA BOWEN
SECRETARY OF STATE

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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	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) 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)		
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 §511349.3, 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) _____
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

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 <i>Nate Dechoretz</i>	DATE 6/27/11
TYPED NAME AND TITLE OF SIGNATORY Nate Dechoretz, Deputy Secretary for Finance and Administration	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 27 2011

Office of Administrative Law

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 Merced County; in the Snelling area: [Continued]

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

(5) In Nevada County, in the Grass Valley area: [Continued]

(6) In San Joaquin County. [Continued]

(7) In Santa Clara ~~and Santa Cruz Counties~~. Beginning at the intersection of Uvas Rd and Oak Glen Ave; then, starting easterly along Oak Glen Ave to its intersection with Llagas Rd; then, starting northeasterly along Llagas Rd to its intersection with Teresa Ln; then, starting easterly along Teresa Ln to its intersection with Llagas Rd; then, northeasterly along Llagas Rd to its intersection with Hale Ave; then, southeasterly along Hale Ave to its intersection with W Main Ave; then, northeasterly along W Main Ave to its intersection with Monterey Rd~~St~~; then, southeasterly along Monterey Rd~~St~~ to its intersection with E Dunne Ave; then, northeasterly along E Dunne Ave to its intersection with Butterfield Blvd; then, starting southeasterly along Butterfield Blvd to its intersection with Tennant Ave; then, northeasterly along Tennant Ave to its intersection with Hill Rd; then, southeasterly along Hill Rd to its intersection with Maple Ave; then northeasterly along Maple Ave to its intersection with Center Ave; then, southeasterly along Center Ave to its intersection with E Middle Ave; then, northeasterly along E Middle Ave to its intersection with Foothill Ave; then, southeasterly along Foothill Ave to its intersection with Church Ave; then, northeasterly along Church Ave to its intersection with New Ave; then, southeasterly along New Ave to its intersection with Buena Vista Ave; then, southwesterly along Buena Vista Ave to its intersection with Marcella Ave; then, starting southeasterly along Marcella Ave to its intersection with Leavesley Rd; then, southwesterly along Leavesley Rd to its intersection with Arroyo

Cir; then, starting southeasterly along Arroyo Cir to its intersection with Camino Arroyo; then, southeasterly along Camino Arroyo to its intersection with 6th St; then, southwesterly along 6th St to its intersection with E 6th St; then, southwesterly along E 6th St to its intersection with W 6th St; then, southwesterly along W 6th St to its intersection with Orchard Dr; then, southerly along Orchard Dr to its intersection with W 8th St; then, westerly along W 8th St to its intersection with Miller Ave; then, starting westerly along Miller Ave to its intersection with 36.986833 latitude and -121.587708 longitude; then, southwesterly along an imaginary line to its intersection with an unnamed road at 36.974127 latitude and -121.647887 longitude; then, southwesterly along the unnamed road to its intersection with an unnamed road at 36.972649 latitude and -121.649106 longitude; then, starting westerly along the unnamed road to its intersection with an unnamed road at 36.972323 latitude and -121.654280 longitude; then, southwesterly along the unnamed road to its intersection with an unnamed road at 36.968860 latitude and -121.661256 longitude; then, southwesterly along an imaginary line to its intersection with the Santa Clara County boundary line at 36.965451 latitude and -121.672658 longitude; then, starting westerly along the boundary line to its intersection with Gaffey Rd at 36.990020 latitude and -121.738457 longitude; then, starting southwesterly along Gaffey Rd to its intersection with Mount Madonna Rd; then, northerly along Mount Madonna Rd to its intersection with Valley View Rd; then, starting northwesterly along Valley View Rd to its intersection with 36.990654 latitude and -121.739599 longitude; then, southwesterly along an imaginary line to its intersection with Falcon View Ter at 36.990481 latitude and -121.746627 longitude; then, starting westerly along Falcon View Ter to its intersection with Smith Rd; then, starting southeasterly along Smith Rd to its intersection with Casserly Rd; then, southwesterly along Casserly Rd to its intersection with 36.973048 latitude and -121.755533 longitude; then, southwesterly along an imaginary line to its intersection with the northern most point of Dalton Ln; then, starting southerly along Dalton Ln to its intersection with Green Valley Rd; then, starting southerly along Green Valley Rd to its intersection with Airport Blvd; then, starting northwesterly along Airport Blvd to its intersection with State Hwy 1; then, northwesterly along State Hwy 1 to its intersection with Buena Vista Dr; then, starting southwesterly along Buena Vista Dr to its intersection with San Andreas Rd; then, northwesterly along

San Andreas Rd to its intersection with Manresa State Beach boundary line; then, starting northeasterly along the boundary line to its intersection with the California Coast Line; then, starting northwesterly along the coast line to its intersection with New Brighton State Beach boundary line; then, starting northwesterly along the boundary line to its intersection with Park Ave; then, northeasterly along Park Ave to its intersection with Soquel Dr; then, southwesterly along Soquel Dr to its intersection with Victory Ln; then, starting northwesterly along Victory Ln to its northern most point; then, northerly along an imaginary line to its intersection with the southern most point of Coyote Cyn; then, starting northeasterly along Coyote Cyn to its intersection with Fairway Dr; then, starting northeasterly along Fairway Dr to its intersection with Ironwood Dr; then, starting southeasterly along Ironwood Dr to its intersection with 37.006774 latitude and -121.931116 longitude; then, northeasterly along an imaginary line to its intersection with Forest of Nisene Marks St Park boundary line at 37.012226 latitude and -121.930307 longitude; then, starting northwesterly along the boundary line to its intersection with Hinckley Creek; then, starting northeasterly along Hinckley Creek to its northeastern most end; then easterly along an imaginary line to its intersection with the Santa Clara County boundary line at 37.077275 latitude and -121.815641 longitude; then starting southeasterly along the boundary line to its intersection with Croy Ridge Rd at 37.050613 latitude and -121.763336 longitude; then, starting easterly along Croy Ridge Rd to its intersection with 37.072286 latitude and -121.750386 longitude; then, northeasterly along an imaginary line to its intersection with Croy Rd at 37.102901 latitude and -121.734818 longitude; then, starting northeasterly along Croy Rd to its intersection with Uvas Rd; then, starting northwesterly along Uvas Rd to the point of the beginning.

(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

June 17, 2011