

**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: 2017-0222-03

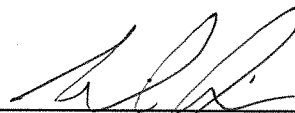
OAL Matter Type: Emergency (E)

This emergency action by the Department of Food and Agriculture establishes the quarantine for the Asian Citrus Psyllid (ACP) *Diaphorina citri* near the West Sacramento area of Yolo County. The effect of this action provides authority for the state to perform quarantine activities against ACP within this 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 2/24/2017 and will expire on 8/24/2017. The Certificate of Compliance for this action is due no later than 8/23/2017.

Date: February 24, 2017



**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 2017-0222-03E |
|-------------------------|---------------------------------|--------------------------|--|

For use by Office of Administrative Law (OAL) only

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

FEB 24 2017

1:36pm

2017 FEB 22 P 3:39

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) |
|--|--|

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)

| | | | |
|---|---|--|--|
| <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) _____ |
|---|---|--|--|

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 |
|----------------------------------|----------------------------------|-----------------------|--|

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>Robert Wynn</i> | DATE 2/22/17 |
| 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

FEB 24 2017

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Quarantine.

....

(b) Area Under Quarantine:

....

(17) In Yolo and Sacramento Counties, in the West Sacramento area: Beginning at the intersection of Sacramento Northern Railway and Interstate 5; then, starting easterly along said interstate to its intersection with Garden Highway; then, southeasterly along said highway to its intersection with Power Line Road; then, northerly along said road to its intersection with Interstate 5; then, easterly along Interstate 5 to its intersection with an Imaginary Line at 38.663461 latitude and -121.537433 longitude; then, northeasterly along said line to its intersection with N Park Drive and E Commerce Way; then, easterly along said way to its intersection with Natomas Boulevard; then, northerly along said boulevard to its intersection with Club Center Drive; then, easterly along said drive to its intersection with an Imaginary Line at the end of said drive; then, easterly along said line to its intersection with E Levee Road at 38.670820 latitude and -121.478213 longitude; then, southerly along said road to its intersection with Ueda Parkway Boundary at 38.659820 latitude and -121.476798 longitude; then, easterly along said boundary to its intersection with Union Pacific Railroad; then, southerly along said railroad to its intersection with Main Avenue; then, easterly along said avenue to its intersection with Norwood Avenue; then, southerly along said avenue to its intersection with Bell Avenue; then, easterly along said avenue to its intersection with Taylor Street; then, southerly along said street to its intersection with Jessie Avenue; then, easterly along said avenue to its intersection with Rio Linda Boulevard; then, southerly along said boulevard to its intersection with Harris Avenue; then, easterly along said avenue to its intersection with Marysville Boulevard; then, southwesterly along said boulevard to its intersection with Arcade Boulevard; then, easterly along said boulevard to its intersection with Marconi Avenue; then, southeasterly along said avenue to its intersection with Capital City Freeway; then, southwesterly along said freeway to its

intersection with El Camino Avenue; then, easterly along said avenue to its intersection with Ethan Way; then, southerly along said way to its intersection with Alta Arden Expressway; then, southwesterly along said expressway to its intersection with Arden Way; then, southeasterly along said way to its intersection with Ethan Way; then, southerly along said way to its intersection with Jedediah Smith Recreation Trail; then, southerly along said trail to its intersection with Fair Oaks Boulevard; then, westerly along said boulevard to its intersection with J Street; then, southwesterly along said street to its intersection with Elvas Avenue; then, southeasterly along said avenue to its intersection with 62nd Street; then, southwesterly along said street to its intersection with Folsom Boulevard; then, northwesterly along said boulevard to its intersection with 59th Street; then, southerly along said street to its intersection with Broadway; then, westerly along Broadway to its intersection with 53rd Street; then, southerly along said street to its intersection with 14th Avenue; then, westerly along said avenue to its intersection with Stockton Boulevard; then, southeasterly along said boulevard to its intersection with 21st Avenue; then, southwesterly along said avenue to its intersection with Perry Avenue; then, westerly along said avenue to its intersection with 44th Street; then, southerly along said street to its intersection with Fruitridge Road; then, westerly along said road to its intersection with Union Pacific Railroad; then, southerly along said railroad to its intersection with Sacramento Canal; then, westerly along said canal to its intersection with 24th Street; then, northerly along said street to its intersection with 34th Avenue; then, westerly along said avenue to its intersection with James Mangan Park Boundary; then, northwesterly along said boundary to its intersection with Sacramento Canal; then, westerly along Sacramento Canal to its intersection with Freeport Boulevard; then, southwesterly along boulevard to its intersection with Blair Avenue; then, westerly along said avenue to its intersection with 43rd Avenue; then, northwesterly along said avenue to its intersection with Riverside Boulevard; then, northwesterly along Riverside Boulevard to its intersection with an Imaginary Line at 38.516634 latitude and -121.527145 longitude; then, northwesterly along said line to its intersection with S River Road at 38.518687 latitude and -121.528355 longitude; then, southwesterly along said road to its intersection with Gregory Avenue; then, northerly along said avenue to its intersection with Bevan Road; then, westerly along said road to

its intersection with an Imaginary Line at the end of said road; then, westerly along said line to its intersection with Bevan Road at the beginning of said road; then, westerly along said road to its intersection with Otis Avenue; then, northerly along said avenue to its intersection with Coyote Road; then, westerly along said road to its intersection with Southport Parkway; then, northerly along said parkway to its intersection with Marshall Road; then, westerly along said road to its intersection with Levee Access Road; then, westerly along an Imaginary Line to its intersection with Toe Drain at 38.535172 latitude and -121.588899 longitude; then, southerly along said drain to its intersection with an Unnamed Creek at 38.529983 latitude and -121.588862 longitude; then, westerly along said creek to its intersection with Willow Slough; then, northerly along said slough to its intersection with Levee Yolo Bypass; then, northerly along said bypass to its intersection with Sacramento Northern Railway; then, northerly along said railway 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 401.5, 407, 5301, 5302, 5321 and 5322, Food and Agricultural Code.