

**State of California
Office of Administrative Law**

In re:
Department of Food and Agriculture

Regulatory Action:

Title 03, California Code of Regulations

Adopt sections:

Amend sections: 3435(b)

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2017-0412-05

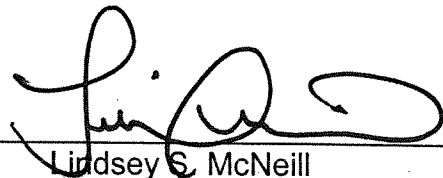
OAL Matter Type: Emergency Readopt (EE)

This emergency readopt action by the Department of Food and Agriculture maintains the changes adopted in OAL file no. 2016-0909-03E that expanded the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* in the Los Banos area of Merced County by 131 square miles. The amendment provides authority for the state to perform quarantine activities against ACP within this area, along with the existing regulated areas in the state that are already under quarantine for ACP.

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 4/17/2017 and will expire on 7/18/2017. The Certificate of Compliance for this action is due no later than 7/17/2017.

Date: April 17, 2017



Lindsey S. McNeill
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 2017-0412-05EE
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For use by Office of Administrative Law (OAL) only

2017 APR 12 P 2:08
OFFICE OF ADMINISTRATIVE LAW

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

APR 17 2017
2:56 PM

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) 2016-0909-03E
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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 checked="" 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 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) _____
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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 4/11/17
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

APR 17 2017

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Interior Quarantine.

....

(b) Area Under Quarantine:

....

(8) In Stanislaus and Merced Counties:

(A) In Stanislaus and Merced areas: Beginning at the intersection of E Monte Vista Road and Central Avenue; then, northerly along said avenue to its intersection with E Taylor Road; then, easterly along said road to its intersection with Moffett Road; then, continuing northerly along Moffett Road to its intersection with E Keyes Road; then, easterly along said road to its intersection with Prairie Flower Road; then, northerly along said road to its intersection with Kaiser Road; then, southeasterly along said road to its intersection with Faith Home Road; then, northerly along said road to its intersection with TID Canal Upper Lateral Number 2 1-2; then, easterly along said canal to its intersection with Pioneer Road; then, northerly along said road to its intersection with E Service Road; then, easterly along said road to its intersection with Burlington Northern and Santa Fe Railroad; then, southeasterly along said railroad to its intersection with Geer Road; then, southerly along said road to its intersection with E Grayson Road; then, easterly along said road to an Imaginary Line; then, easterly along said line to its intersection with E Grayson Road at 37.565607 latitude and -120.833252 longitude; then, continuing easterly along E Grayson Road to its intersection with S Waring Road; then, southerly along said road to its intersection with E Keyes Road; then, easterly along said road to its intersection with Merriam Road; then, southerly along said road to its intersection with E Taylor Road; then, easterly along said road to its intersection with N Hickman Road; then, southerly along said road to its intersection with East Avenue; then, westerly along said avenue to its intersection with Vincent Road; then, continuing southerly along Vincent Road to its intersection with North Avenue; then, easterly along said avenue to its intersection with Sycamore Street; then, northerly along said street to its intersection with Bradbury Road; then, easterly along said road to its intersection with Park Street W; then, easterly along an Imaginary Line to its intersection with Santa Fe Drive and Bradbury Road; then, northwesterly along said road to its intersection with Newport Road; then, northerly along said road to its intersection with East Avenue; then, easterly along said avenue to its intersection with an Unnamed Road at 37.492794 latitude and -120.598933 longitude; then, southeasterly along said road to its intersection with Dry Creek; then, northerly along said creek to Dry Creek Road; then, southerly

along Dry Creek Road to its intersection with Turlock Road; then, northeasterly along said road to its intersection with State Highway 59; then, southerly along State Highway 59 to its intersection with an Imaginary Line at 37.433744 latitude and -120.506629 longitude; then, easterly along said line to its intersection with Snelling Road and Parkinson Creek; then, southeasterly along said creek to its intersection with Snelling Road; then, southerly along said road to its intersection with La Paloma Road; then, northeasterly along La Paloma Road to its intersection with an Imaginary Line at 37.416949 latitude and -120.399150 longitude; then, southeasterly along said line to its intersection with Applegate Lateral Canal and N Arboleda Drive; then, southerly along said drive to its intersection with E Yosemite Avenue; then, westerly along said avenue to its intersection with Kibby Road; then, southerly along said road to its intersection with CA Highway 140; then, westerly along said highway to its intersection with Carol Avenue; then, southerly along said avenue to its intersection with E Childs Avenue; then, westerly along said avenue to its intersection with Tyler Road; then, southerly along said road to its intersection with E Mission Avenue; then, westerly along said avenue to its intersection with W Dickenson Ferry Road; then, westerly along said road to its intersection with S Gurr Road; then, northerly along said road to its intersection with McSwain Road; then, westerly along said road to its intersection with CA Highway 140; then, westerly along said highway to its intersection with Weir Avenue; then, northerly along said avenue to its intersection with Bell Drive; then, westerly along said drive to its intersection with Griffith Avenue; then, northerly along said avenue to its intersection with an Imaginary Line at the terminus of said avenue; then, northerly along said line to its intersection with Griffith Avenue at 37.385735 latitude and -120.813985 longitude; then, northerly along said avenue to its intersection with High Fine Canal; then, northeasterly along said canal to its intersection with Merced Avenue; then, northerly along said avenue to its intersection with Letteau Avenue; then, westerly along said avenue to its intersection with Griffith Avenue; then, southerly along said avenue to its intersection with August Avenue; then, westerly along said avenue to its intersection with Faith Home Road; then, northerly along said road to its intersection with TID Canal Lateral Number 5 1-2; then, northwesterly along said canal to its intersection with S Blaker Road; then, northerly along said road to its intersection with N Blaker Road; then, northerly along said road to its intersection with Fulkerth Road; then, northerly along said road to its intersection with Tidewater Southern Railroad; then, northwesterly along said railroad to E Monte Vista Road; then, easterly along said road to the point of the beginning.

(B) In the Los Banos area: Beginning at the intersection of Ingomar Grade and Volta Road; then, northerly along said road to its intersection with Henry Miller Road; then, easterly along

said road to its intersection with Los Banos Creek; then, northwesterly along said creek to its intersection with China Camp Road; then, easterly along said road to its intersection with Wilson Road; then, northerly along said road to its intersection with Santa Fe Grade; then, southeasterly along said grade to its intersection with an Imaginary Line at 37.124968 latitude and -120.855013 longitude; then, easterly along said line to its intersection with Mercey Springs Road at 37.125185 latitude and -120.834793 longitude; then, northerly along said road to its intersection with Wolfsen Road; then, northeasterly along said road to its intersection with Hereford Road; then, northeasterly along said road to its intersection with Bisignani Road; then, westerly along said road to its intersection with S Delta Road; then, southerly along said road to its intersection with Henry Miller Road; then, easterly along said road to its intersection with Box Car Road; then, southerly along said road to its intersection with California Highway 152; then, easterly along said highway to its intersection with Britto Road; then, southerly along said road to its intersection with Santa Fe Grade; then, southeasterly along said grade to its intersection with Mallard Road; then, southwestery along said road to its intersection with Wild Duck Road; then, southerly along said road to its intersection with Main Canal; then, northwesterly along said canal to its intersection with Fialho Avenue; then, westerly along said avenue to its intersection with Holstein Road; then, southeasterly along said road to its intersection with Cotton Gin Road; then, westerly along said road to its intersection with S Mercey Springs Road; then, southerly along said road to its intersection with Interstate 5 North; then, northwesterly along said interstate to its intersection with Volta Road; then, northerly along said road to its intersection with Ingomar Grade; then, easterly along said grade 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.