

**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 CERTIFICATE OF
COMPLIANCE**

**Government Code Sections 11349.1 and
11349.6(d)**


OAL Matter Number: 2015-0716-01

**OAL Matter Type: Certificate of Compliance
(C)**

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2015-0122-02E) that expanded the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by approximately 61 square miles in Santa Clara County in the San Jose area. The effect of this action provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas.

OAL approves this regulatory action pursuant to section 11349.6(d) of the Government Code.

Date: August 20, 2015


Peggy J. Gibson
Senior Attorney

For: DEBRA M. CORNEZ
Director

Original: Karen Ross
Copy: Sara Khalid

NOTICE PUBLICATION/REGULATIONS SUBMISSION

CERT

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2015-0217-05	REGULATORY ACTION NUMBER 2015-0714-01C	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

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

AUG 20 2015
2:23 PM

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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2015, 92	PUBLICATION DATE 2/27/2015

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) 2015-0122-02E
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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)
	REPEAL

TITLE(S)
3

3. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input checked="" 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 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 <i>Nick Condos</i>	DATE 7-15-15
TYPED NAME AND TITLE OF SIGNATORY Nick Condos, Director, Plant Health and Pest Prevention Services	

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ENDORSED APPROVED

AUG 20 2015

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Quarantine.

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(b) Area Under Quarantine:

(4) In Santa Clara County, in the San Jose area: Beginning at the intersection of W Hedding Street and N Monroe Street; then starting northerly along N Monroe street to its intersection with Bellomy Street; then, northeasterly along said street to its intersection with Alviso Street; then, northwesterly along said street to its intersection with Benton Street; then, easterly along said street to its intersection with Lafayette Street; then, northerly along said street to its intersection with SP Railroad; then, northwesterly along said railroad to its intersection with San Thomas Expressway; then, northerly along said expressway to its intersection with Interstate 101; then, northwesterly along said interstate to its intersection with Great America Parkway; then, northerly along said parkway to its intersection with Tasman Drive; then, easterly along said drive to its intersection with Lafayette Street; then, northerly along said street to its intersection with California Highway 237; then, easterly along said highway to its intersection with N 1st Street; then, northerly along said street to its intersection with Nortech Parkway; then, easterly along said parkway to its intersection with Disk Drive; then, northeasterly along said drive to its intersection with Grand Boulevard; then, northeasterly along said boulevard to its intersection with Grand Boulevard at 37.436599 latitude and -121.957165 longitude; then, northeasterly along an Imaginary Line to its intersection with the Santa Clara County line at 37.455551 latitude and -121.933400 longitude; then, easterly along said line at 37.484121 latitude and -121.782138 longitude; then, southerly along said line to its intersection with an Imaginary Line; then, southerly along said line to its intersection with ~~then, northeasterly along said street to its eastern most point; then, northeasterly along an imaginary line to its intersection with the western most point of Brokaw Road; then, northeasterly along said road to its intersection with Martin Avenue; then, northwesterly along said avenue to its intersection with De la Cruz Boulevard; then, starting northerly along said boulevard to its intersection with Trimble Road; then, northeasterly along said road to its intersection with US Highway 101; then, southeasterly along said highway to~~

~~its intersection with E Brokaw Road; then, starting northeasterly along said road to its intersection with Oakland Road; then, northwesterly along said road to its intersection with McKay Drive; then, northeasterly along said drive to its intersection with Lundy Avenue; then, southeasterly along said avenue to its intersection with Hostetter Road; then starting northeasterly along said road to its intersection with Morrill Avenue; then, southeasterly along said avenue to its intersection with Sierra Road; then, northeasterly along said road to its intersection with Piedmont Road; then, southeasterly along said road to its intersection with Suncrest Avenue; then, starting northeasterly along said avenue to its intersection with Boulder Drive; then, southeasterly along said drive to its intersection with Penitencia Creek Road; then, easterly along said road to its intersection with Penitencia Creek; then, starting northerly along said creek to its intersection with Arroyo Aguague at 37.382865 latitude and -121.772060 longitude; then, starting southeasterly along Arroyo Aguague to its intersection with Joseph D Grant County Park Boundary; then, starting southwesterly along said boundary to its intersection with an unnamed road at 37.308691 latitude and -121.715077 longitude; then, starting westerly along said road to its intersection with 37.289680 latitude and -121.713879 longitude; then, easterly along said road to its intersection with an imaginary line to its intersection with Yerba Buena Creek at 37.2895147 latitude and -121.712155 longitude; then, starting southwesterly along said creek to its intersection with Villa Vista Road; then, northwesterly along said road to its intersection with Cribari Hills; then, southwesterly along Cribari Hills to its intersection with Cribari Lane; then, starting southwesterly along said lane to its intersection with The Villages Parkway; then, starting southwesterly along said parkway to its intersection with San Felipe Road; then, southeasterly along said road to its intersection with Farnsworth Drive; then, starting southwesterly along said drive to its intersection with Silver Creek Valley Road; then, starting southeasterly along said road to its intersection with Blossom Hill Road; then, westerly along said road to its intersection with Snell Avenue; then, southerly along said avenue to its intersection with Calero Avenue; then, westerly along said avenue to its intersection with Allen Avenue; then, southwesterly along said avenue to its intersection with Santa Teresa Boulevard; then, northwesterly along said boulevard to its intersection with Coleman Road; then, starting southwesterly along said road to its intersection with Almaden Expressway; then,~~

northerly along said expressway to its intersection with Blossom Hill Road; then, starting westerly along said road to its intersection with Kooser Road; then, starting northwesterly along said road to its intersection with Meridian Avenue; then, northwesterly along said avenue to its intersection with Branham Lane; then, southwesterly along said lane to its intersection with Kirk Road; then, northwesterly along said road to its intersection with Lollie Court; then, westerly along said court to its intersection with Gavota Avenue; then, northwesterly along said avenue to its intersection with Silverwood Drive; then, southwesterly along said drive to its intersection with Manda Drive; then, northwesterly along said drive to its intersection with Foxworthy Avenue; then, southwesterly along said avenue to its intersection with Ross Avenue; then, northwesterly along said avenue to its intersection with Leigh Avenue; then, starting northerly along said avenue to its intersection with Curtner Avenue; then, southwesterly along said avenue to its intersection with New Jersey Avenue; then, northwesterly along said avenue to its intersection with Dry Creek Road; then, starting southwesterly along said road to its intersection with S Bascom Avenue; then, northerly along said avenue to its intersection with E Campbell Avenue; then, westerly along said avenue to its intersection with California Highway 17; then, northerly along said highway to its intersection with Interstate 880; then, northerly along said interstate to its intersection with W Hedding Street; then, northerly along said street to the point of the beginning.

(7) The entire counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Tulare and Ventura.

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