

**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
Repeal sections:

**NOTICE OF APPROVAL OF CERTIFICATE OF
COMPLIANCE**

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

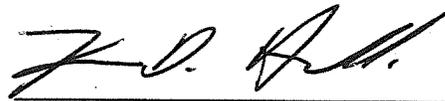
OAL Matter Number: 2016-0411-03

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

This certificate of compliance rulemaking by the Department of Food and Agriculture makes permanent amendments adopted in emergency action 2015-1025-03E. That emergency action expanded the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* in the Bakersfield area of Kern County by approximately 83 square miles and established a new ACP quarantine area of approximately 106 square miles in the Arvin area of Kern County.

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

Date: May 18, 2016



Kevin D. Hull
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-2015-1211-01 | REGULATORY ACTION NUMBER 2016-0411-03C | EMERGENCY NUMBER |
|------------------|---|--|------------------|

For use by Office of Administrative Law (OAL) only

2016 APR 11 P 2: 03
OFFICE OF
ADMINISTRATIVE LAW

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

MAY 18 2016
1:42 PM

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 <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn | | NOTICE REGISTER NUMBER 2015, 52-2 | PUBLICATION DATE 12-25-2015 |

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) 2015-1023-03E |
|--|---|

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 |
| TITLE(S) 3 | REPEAL |

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)

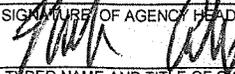
| | | | |
|---|---|---|--|
| <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) | <input checked="" type="checkbox"/> Effective on filing with Secretary of State | <input type="checkbox"/> §100 Changes Without Regulatory Effect | <input type="checkbox"/> Effective other (Specify) _____ |
|---|---|---|--|

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  | DATE 4-8-16 |
| TYPED NAME AND TITLE OF SIGNATORY Nick Condos, Director, Plant Health and Pest Prevention Services | |

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

MAY 18 2016

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Quarantine.

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(b) Area Under Quarantine:

....

(2) In Kern County:

(A) In the Bakersfield area: Beginning at the intersection of an Imaginary Line at 35.310620 latitude and -119.145270 longitude Buena Vista Road and Southern Pacific Railroad Campus Park Drive; then, starting westerly along said railroad to its intersection with Enos Lane; then, northerly along said lane to its intersection with 7th Standard Road; then, easterly along said road to its intersection with Cherry Avenue; then, northerly along said avenue to its intersection with San Diego Street; then, easterly along said street to its intersection with S Central Valley Highway; then, northwesterly along said highway to its intersection with Burbank Street; then, easterly along said street to its intersection with Zachary Avenue; then, northerly along said avenue to its intersection with Zachary Road; then, southeasterly along said road to its intersection with Zerker Road; then, northerly along said road to its intersection with Allen Road; then, northerly along said road to its intersection with an Unnamed Road at 35.485117 latitude and -119.152904 longitude; then, easterly along an Imaginary Line to its intersection with Saco Road and Cawelo Avenue; then, easterly along said avenue to its intersection with an Imaginary Line at the end of said avenue; then, easterly along said line to its intersection with Lerdo Canal at 35.484989 latitude and -119.132765 longitude; then, southeasterly along Lerdo Canal to its intersection with an Imaginary Line at 35.470409 latitude and -119.118904 longitude; then, easterly along said line to its intersection with Burbank Street; then, easterly along said street to its intersection with Quinn Road; then, northerly along said road to its intersection with Lucadia Avenue; then, easterly along said avenue to its intersection with Porterville Highway and James Road; then, northeasterly along an Imaginary Line to its intersection with S Granite Road at 35.480344 latitude and -119.014809 longitude; ~~easterly along said drive to its intersection on Mountain Vista Drive~~; then, northerly along said drive to its

intersection with White Lane; then, easterly along said lane to its intersection with Old River Road; then, northeasterly along said road to its intersection with S Granite Road; then, continuing northeasterly along S Granite Road to its intersection with Round Mountain Road; then, continuing southeasterly along Round Mountain Road at 35.468530 latitude and -118.870390 longitude; then, southerly along said road to its intersection with an Imaginary Line; then, southeasterly along said line to its intersection with an Unnamed Creek at 35.467860 latitude and -118.869790 longitude; then, southeasterly along said creek to its intersection with an Unnamed Creek at 35.455989 latitude and -118.858378 longitude; then southerly along said creek to its intersection with the Kern River at 35.442830 latitude and -118.860090 longitude; then, southerly along said river to its intersection with Bakersfield City Boundary at 35.432927 latitude and -118.853693 longitude; then, westerly along said boundary to its intersection with an Unnamed Road at 35.432910 latitude and -118.857001 longitude; then, westerly along said road to its intersection with Old Alfred Harrell Highway; then, westerly along said highway to its intersection with Lake Ming Road; then, southwesterly along said road to its intersection with Alfred Harrell Highway; then, continuing southerly along Alfred Harrell Highway to its intersection with Breckenridge Road; then, southwesterly along said road to its intersection with Pepper Drive; then, southerly along said drive to its intersection with Edison Highway; then, northwesterly along said highway to its intersection with S Edison Road; then, southerly along said road to its intersection with Redbank Road; then, westerly along said road to its intersection with an Unnamed Road; then, southerly along said road to its intersection with E Wilson Road; then, westerly along said road to its intersection with S Vineland Road; then, southerly along said road to its intersection with Mountain View Road; then, westerly along said road to its intersection with Habecker Road; then, southerly along said road to its intersection with McKee Road; then, westerly along said road to its intersection with Weedpatch Highway; then, southerly along said highway to its intersection with Panama Road; then, westerly along said road to its intersection with Burlington Northern and Santa Fe railroad; then, southerly along said railroad to its intersection with an imaginary line at 35.253487 latitude and -118.923160 longitude; then, southerly along said line to its intersection with Di Giorgio Road at 35.252382 latitude and -118.923250 longitude;

then, westerly along said road to its intersection with S Fairfax Road; then, southerly along said road to its intersection with Buena Vista Boulevard; then, westerly along said boulevard to its intersection with Adobe Road; then, southerly along said road to its intersection with E Bear Mountain Boulevard; then, westerly along said boulevard to its intersection with S Union Avenue; then, southerly along said avenue to its intersection with Kern Island Drain; then, westerly along said drain to its intersection with an imaginary line at 35.180690 latitude and -119.020540 longitude; then, southerly along said line to its intersection with Millux Road at 35.804110 latitude and -119.028090 longitude; then, southerly along said road to its intersection with Old River Road; then, northerly along said road to its intersection with Bear Mountain Boulevard; then, westerly along said boulevard to its intersection with Interstate 5; then, northwesterly along said interstate to its intersection with Buena Vista Canal; then, northeasterly along said canal to its intersection with Taft Highway; then, easterly along said highway to its intersection with S Allen Road; then, northerly along said road to its intersection with Pensinger Road; then, northerly along an imaginary line to its intersection with ~~Southern Pacific Railroad at 35.310620 latitude and -119.145270 longitude~~; then, easterly along said line to the point of the beginning.

...

(E) In the Arvin area: Beginning at the intersection of the California Aqueduct and Interstate 5; then, starting northerly along said interstate to its intersection with Wheeler Ridge Road; then, northeasterly along said road to its intersection with an Unnamed Road at 35.016222 latitude and -118.936029 longitude; then, northwesterly along said road to its intersection with an Unnamed Road at 35.017511 latitude and -118.944246 longitude; then, northerly along said road to its intersection with Natalie Road; then, northwesterly along Natalie Road to its intersection with Arvin Edison Canal; then, easterly along said canal to its intersection with Wheeler Ridge Road; then, northerly along Wheeler Ridge Road to its intersection with an Imaginary Line at 35.107340 latitude and -118.914680 longitude; then, easterly along said line to its intersection with Arvin Edison Canal at 35.106851 latitude and -118.871610 longitude; then, northeasterly along Arvin Edison Canal to its intersection with an Imaginary Line at

35.114623 latitude and -118.863930 longitude; then, easterly along said line to its intersection with Rancho Road; then, easterly along said road to its intersection with Grasshopper Lane; then, easterly along said lane to its intersection with an Imaginary Line at the end of said lane; then, southeasterly along said line to its intersection with an Unnamed Creek at 35.110244 latitude and -118.810116 longitude; then, southeasterly along an Imaginary Line to its intersection with Tejon Creek at 35.075524 latitude and -118.761959 longitude; then, southerly along an Imaginary Line to its intersection with Sebastian Road at 35.029392 latitude and -118.750927 longitude; then, southwesterly along an Imaginary Line to its intersection with an Unnamed Creek at 34.992111 latitude and -118.765387 longitude; then, southwesterly along an Imaginary Line to its intersection the California Aqueduct at 34.946961 latitude and -118.829398 longitude; then, northwesterly along said aqueduct 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 407, 5301, 5302 and 5322, Food and Agricultural Code.