

**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: 2016-0502-02

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

This certificate of compliance makes permanent the prior emergency regulatory action (OAL file no. 2015-1110-03E) by the Department of Food and Agriculture that expanded the quarantine area for the Asian Citrus Psyllid ((ACP) *Diaphorina citri*) by approximately 232 square miles in the Bakersfield area of Kern County. 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 in the state.

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

Date: June 13, 2016



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-2016-0126-04	REGULATORY ACTION NUMBER 2016-0502-02C	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only

<p style="text-align: center; font-size: 24px; font-weight: bold;">2016 MAY -2 A 9:42</p> <p style="text-align: center; font-weight: bold;">OFFICE OF ADMINISTRATIVE LAW</p>	<p style="text-align: center; font-weight: bold;">NOTICE</p> <p style="text-align: center; font-weight: bold;">REGULATIONS</p>
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ENDORSED - FILED

in the office of the Secretary of State
of the State of California

JUN 13 2016

1:35 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 <input type="checkbox"/> 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		ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER 2016 06-2	PUBLICATION DATE 2/5/2016

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) 2015-1110-03E
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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 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"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<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 4-27-16
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

JUN 13 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 and Southern Pacific Railroad; 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; 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, southwestery along said road to its intersection with Alfred Harrell Highway; then, continuing southerly along Alfred Harrell Highway to its intersection with Breckenridge Road; then, southwestery 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 ~~Muller~~Mountain View Road; then, easterly along said road to its intersection with S Edison Road; then, southerly along said road to its intersection with Hermosa Road; then, easterly along said road to its intersection with S Comanche Drive; then, southerly along said drive to its intersection with E Panama Lane; then, easterly along said lane to its intersection with an Imaginary Line at the end of said lane; then, easterly along said line to its intersection with an Unnamed Road at 35.296830 latitude and -118.788867 longitude; then, easterly along said road to its intersection with an Imaginary Line at 35.296643 latitude and -118.764090 longitude; then, easterly along an Imaginary Line to its intersection with California Highway 58 at 35.2968150 latitude and -118.763716 longitude; then, southeasterly along said highway to its intersection with White Wolf Road; then, southwestery along said road to its intersection with an Unnamed Creek at

35.220173 latitude and -118.714107 longitude; then, southeasterly along said creek to its intersection with an Imaginary Line at the end of said creek; then, southerly along said line to its intersection with Chester Court at the beginning of said court; then, southerly along said court to its intersection with an Unnamed Creek at 35.199764 latitude and -118.683327 longitude; then, southerly along said creek to its intersection with an Imaginary Line at 35.182190 latitude and -118.691132 longitude; then, southerly along an Imaginary Line to its intersection with El Paso Creek at 35.994800 latitude and -118.687704 longitude; then, southwesterly along an Imaginary Line to its intersection with the California Aqueduct at 34.946961 latitude and -118.829398 longitude; then, northwesterly along said aqueduct to its intersection with Interstate 5; then, 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 said road to its intersection with Teale Road; then, westerly along said road to its intersection with Adobe Road; then, northerly along said road to its intersection with Kern Island Drain; 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 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.