

**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: 2017-0731-02

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

This timely certificate of compliance by the Department of Food and Agriculture makes permanent the emergency action that expanded the quarantine area for the Asian Citrus Psyllid ("ACP") *Diaphorina citri* by adding an area of approximately 83 square miles in the Oakland area of Alameda and Contra Costa Counties and approximately 108 square miles in the Union City area of Alameda County in response to the identification of three ACP on January 17, 2017 (OAL 2017-0207-06E). This action provides permanent authority for the State to perform quarantine activities against ACP within these additional areas.

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

Date: September 12, 2017



Amy R. Gowan
Attorney

For: Debra M. Cornez
Director

Original: Karen Ross
Copy: Rachel Avila

NOTICE PUBLICATION/REGULATIONS SUBMISSION



(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2017052302	REGULATORY ACTION NUMBER 2017-0731-02C	EMERGENCY NUMBER
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For use by Office of Administrative Law (OAL) only	
NOTICE	REGULATIONS

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

SEP 12 2017
1:41 p.m.

2017 JUL 31 A 10:42
OFFICE OF ADMINISTRATIVE LAW

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 <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 2017, 22-2	PUBLICATION DATE 6/2/2017	

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) 2017-0207-06E
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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 type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only

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)
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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 Rachel Avila	TELEPHONE NUMBER 916-403-6813	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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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 Signature on File	DATE 7-28-17
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

SEP 12 2017

Office of Administrative Law

Amend the following section:

Section 3435. Asian Citrus Psyllid Quarantine.

....

(b) Area Under Quarantine:

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(14) In Alameda and Contra Costa Counties, in the Oakland area: Beginning at the intersection of Highland Avenue and Moraga Avenue; then, starting easterly along said avenue to its intersection with Thornhill Drive; then, northeasterly along said drive to its intersection with Snake Road; then, northeasterly along said road to its intersection with Manzanita Drive; then, southeasterly along Manzanita Drive to its intersection with an Imaginary Line at 37.837888 latitude and -122.187734 longitude; then, northeasterly along said line to its intersection with Pinehurst Road at 37.840119 latitude and -122.184210 longitude; then, southerly along said road to its intersection with John McCoskor Ranch Road; then, northeasterly along said road to its intersection with an Unnamed Road; then, northeasterly along said road to its intersection with an Unnamed Road at 37.837551 latitude and -122.171913 longitude; then, southeasterly along said road to its intersection with an Unnamed Road at 37.83937 latitude and -122.16675 longitude; then, northeasterly along said road to its intersection with an Unnamed Road at 37.839712 latitude and -122.165894 longitude; then, southeasterly along an Unnamed Road to its intersection with an Imaginary Line at 37.838640 latitude and -122.162777 longitude; then, southeasterly along said line to its intersection with Canyon Road at 37.824910 latitude and -122.132264 longitude; then, northerly along said road to its intersection with Camino Pablo; then, southeasterly along said camino to its intersection with Sanders Ranch Road; then, northeasterly along said road to its intersection with Reed Drive at 37.820029 latitude and -122.112445 longitude; then, southeasterly along an Imaginary Line to its intersection with Brown Ranch Road at 37.801604 latitude and -122.104884 longitude; then, southerly along said road to its intersection with Kaiser Creek Road; then, southerly along said road to its intersection with Miller Road; then, southeasterly along said road to its intersection with Redwood Road; then, southerly

along said road to its intersection with Seven Hills Road; then, westerly along said road to its intersection with Sydney Way; then, westerly along said way to its intersection with Stanton Avenue; then, southeasterly along said avenue to its intersection with Miramar Avenue; then, westerly along said avenue to its intersection with 164th Avenue; then, southwesterly along said avenue to its intersection with E 14th Street; then, northwesterly along said street to its intersection with Fairmont Drive; then, westerly along said drive to its intersection with Hesperian Boulevard; then, southerly along said boulevard to its intersection with Springlake Drive; then, westerly along said drive to its intersection with Washington Avenue; then, southerly along said avenue to its intersection with Beatrice Street; then, westerly along said street to its intersection with Kesterson Street; then, northerly along said street to its intersection with Manor Boulevard; then, westerly along said boulevard to its intersection with Wicks Boulevard; then, southerly along said boulevard to its intersection with Flood Control Canal; then, northwesterly along said canal to its intersection with the San Francisco Bay at 37.691108 latitude and -122.183777 longitude; then, westerly along said bay to its intersection with the Bay Farm Island Bridge; then, northerly along said bridge to its intersection with the San Francisco Bay; then, northwesterly along the San Francisco Bay to its intersection with an Imaginary Line at 37.768131 latitude and -122.184210 longitude; then, northerly along said line to its intersection with McKay Avenue; then, northerly along said avenue to its intersection with Central Avenue; then, easterly along said avenue to its intersection with Webster Street; then, northerly along said street to its intersection with Posey Tube; then, northerly along said tube to its intersection with Embarcadero West; then, southeasterly along said embarcadero to its intersection with Oak Street; then, northeasterly along said street to its intersection with Lakeside Drive; then, northeasterly along said drive to its intersection with Harrison Street; then, northeasterly along said street to its intersection with Oakland Avenue; then, northeasterly along said avenue to its intersection with Highland Avenue; then, northerly along said avenue to the point of beginning.

(15) In Alameda County, in the Union City area: Beginning at the intersection of Madsen Street and Meek Avenue; then, starting easterly along said avenue to its intersection with D Street; then, northeasterly along said street to its intersection with Old Quarry Road; then, northeasterly along said road to its intersection with an Imaginary Line at the end of

said road; then, northeasterly along said line to its intersection with Five Canyons Parkway at 37.686035 latitude and -122.040804 longitude; then, northerly along said parkway to its intersection with E Castro Valley Boulevard; then, northeasterly along said boulevard to its intersection with Paloverde Road; then, southeasterly along said road to its intersection with Palomares Road; then, southeasterly along Palomares Road to its intersection with an Imaginary Line at 37.682446 latitude and -122.017468 longitude; then, southeasterly along said line to its intersection with an Unnamed Road at 37.674237 latitude and -121.985739 longitude; then, southeasterly along an Imaginary Line to its intersection with an Unnamed Road at 37.665816 latitude and -121.969661 longitude; then, southeasterly along said road to its intersection with Sunol Ridge Trail; then, southeasterly along Sunol Ridge Trail to its intersection with an Imaginary Line at 37.611702 latitude and -121.934207 longitude; then, southerly along said line to its intersection with the Union Pacific Railroad at 37.592515 latitude and -121.933321 longitude; then, southeasterly along an Imaginary Line to its intersection with Morrison Canyon Road; then, southerly along said road to its intersection with Vargas Road; then, southwesterly along an Imaginary Line to its intersection with Castro Lane at 37.565390 latitude and -121.939198 longitude; then, southerly along said lane to its intersection with Mission Boulevard; then, northwesterly along said boulevard to its intersection with Ondina Drive; then, southwesterly along said drive to its intersection with Las Palmas Avenue; then, northwesterly along said avenue to its intersection with Lemos Lane; then, southwesterly along said lane to its intersection with Gomes Road; then, southwesterly along said road to its intersection with Paseo Padre Parkway; then, westerly along said parkway to its intersection with Mission View Drive; then, southwesterly along said drive to its intersection with Fremont Boulevard; then, northwesterly along said boulevard to its intersection with Stevenson Boulevard; then, southwesterly along said boulevard to its intersection with Besco Drive; then, westerly along said drive to its intersection with Boone Drive; then, southwesterly along said drive to its intersection with Blacow Road; then, southeasterly along said road to its intersection with Stevenson Boulevard; then, southwesterly along said boulevard to its intersection with Balentine Drive; then, northwesterly along said drive to its intersection with Newpark Mall; then, westerly along said mall to its intersection with Newpark Plaza; then, southwesterly along said plaza to

its intersection with Cedar Boulevard; then, northwesterly along said boulevard to its intersection Mowry Avenue; then, southwesterly along said avenue to its intersection with the Union Pacific Railroad; then, northwesterly along said railroad to its intersection with Central Avenue; then, southwesterly along said avenue to its intersection with Willow Street; then, northerly along said street to its intersection with the Union Pacific Railroad; then, westerly along said railroad to its intersection with the San Francisco Bay at 37.499919 latitude and -122.106296 longitude; then, northerly along the San Francisco Bay to its intersection with California State Route 92 East at 37.616660 latitude and -122.155862 longitude; then, northeasterly along said route to its intersection with Clawiter Road; then, northerly along said road to its intersection with Depot Road; then, easterly along said road to its intersection with Mohr Drive; then, northerly along said drive to its intersection with West Street; then, northeasterly along said street to its intersection with Hesperian Boulevard; then, northerly along said boulevard to its intersection with Southland Drive; then, northeasterly along said drive to its intersection with W Winton Avenue; then, northeasterly along said avenue to its intersection with the Union Pacific Railroad; then, northwesterly along the Union Pacific Railroad to its intersection with an Imaginary Line at 37.661820 latitude and -122.094725 longitude; then, easterly along said line to its intersection with Staley Avenue at the beginning of said avenue; then, northeasterly along said avenue to its intersection with Madsen Street; then, northerly along said street to the point of 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.