

## Title 3. Department of Food and Agriculture

### Notice of Proposed Rulemaking

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture intends to adopt Sections 1430.54 -1430.57 of the regulations in Title 3 of the California Code of Regulations pertaining to Seedless Mandarin and Honeybee Coexistence.

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before April 13, 2009.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

These regulations are intended to address the obligation of the Department of Food and Agriculture to address coexistence issues related to production of seedless mandarin varieties in close proximity to the apiaries of beekeepers. Seedless mandarin growers mitigate that some apiaries increase the risk of crop cross-pollination resulting in the presence of seeds in their fruit. The regulations adopted herein shall be limited to Fresno, Kern, Madera, and Tulare counties and may include the establishment of fees, not to exceed the cost of the program, to be paid by seedless mandarin growers.

The Department of Food and Agriculture proposes to adopt Sections 1430.54-1430.57 pertaining to Seedless Mandarin and Honeybee Coexistence. By doing so, the Department seeks to facilitate the coexistence of seedless mandarin acreage and beekeeper apiaries on a case by case basis by county agricultural commissioners in the counties of Fresno, Kern, Madera and Tulare.

#### **COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS**

The Department has determined that the proposed regulations do not impose a mandate on local agencies or school districts. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

#### **EFFECT ON HOUSING COSTS**

The Department has made an initial determination that the proposed actions will not affect housing costs.

## **EFFECT ON BUSINESSES**

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting California businesses, including the ability of California Businesses to compete with businesses in other states.

## **COST IMPACT ON AFFECTED PRIVATE PERSON OR BUSINESSES**

The Department is not aware of any cost impacts that a representative, private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed program is voluntary for seedless mandarin growers and beekeepers. The program is paid for by those seedless mandarin growers electing to participate in the program.

## **ASSESSMENT**

The Department has made an assessment that the proposed adoption of the regulations would not (1) create or eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California.

## **ALTERNATIVES CONSIDERED**

The Department must determine that no alternative considered would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## **AUTHORITY**

The Department proposes to adopt Sections 1430.54-1430.57 pursuant to the authority vested by Sections 407, 29002, 29004, 29006, 29008, 29011, 29040, 29041, 29042, 29043, 29045, 29070, 29070.5, and 29812 of the Food and Agricultural Code.

## **REFERENCE**

The Department proposes this action to implement, interpret and make specific Sections 29810 and 29811 of the Food and Agricultural Code.

## **EFFECT ON SMALL BUSINESS**

The proposed adoption of these regulations will not have an impact to small businesses. The proposed program is voluntary for seedless mandarin growers and beekeepers. The program is paid for by those seedless mandarin growers electing to participate in the program.

## **CONTACT**

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing, may be directed is: Steve Lyle, Office of Public Affairs, Department of Food and Agriculture, 1220 N Street, Room 400, Sacramento, CA 95814, (916)654-0462, FAX (916) 651-7417, Email: LegislativeOffice @cdfa.ca.gov. In his absence, you may contact Carla Sanchez, Legislative Office at (916) 654-0321 or Email: LegislativeOffice@cdfa.ca.gov. Questions regarding the substance of the proposed regulation should be directed to Carla Sanchez.

## **INTERNET ACCESS**

The Department has posted the information regarding this proposed regulatory action on its Internet Website ([www.cdfa.ca.gov/Regulations/General/Mandarin\\_Bees.pdf](http://www.cdfa.ca.gov/Regulations/General/Mandarin_Bees.pdf)).

## **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact), named herein.

DEPARTMENT OF FOOD AND AGRICULTURE