

**MINUTE ITEM**

This Calendar Item No. C64 was approved as Minute Item No. C64 by the California State Lands Commission by a vote of 3 to 0 at its 8/26/97 meeting.

**CALENDAR ITEM**

**C64**

A 20  
S 10

08/26/97  
W 40732  
A. Willard  
J. Planck  
E. Kruger

**CONSIDER MODIFICATION OF SURFACE ENTRY RIGHTS  
AFFECTING LAND LOCATED AT THE AGNEWS  
DEVELOPMENTAL CENTER,  
SANTA CLARA COUNTY**

**APPLICANT:**

California Department of General Services  
Office of Real Estate and Design Services  
Proactive Asset Management  
400 R Street, Suite 5100  
Sacramento, CA 95814

**BACKGROUND:**

On July 24, 1997, the California Department of General Services (DGS) requested the subject modification for approximately 209 acres more or less (APNs: 97-08-23, 97-08-39, 967-08-40, 97-8-41, 97-08-42, 97-08-43, 97-08-44 and 97-08-45) all located in portions of projected Sections 22 and 23, T6S, R1W, MDM and situated at the West Facility of Agnews Developmental Center in San Jose. These parcels are State proprietary land held by DGS and have been declared surplus property. The DGS expects to sell this property within the next two years.

**STATUTORY AND OTHER REFERENCES:**

- A. Public Resources Code section 6401(b).
- B. Public Resources Code section 6403.
- C. Public Resources Code section 6404.

**OTHER PERTINENT INFORMATION:**

- 1. On July 1, 1997, Commission staff prepared a mineral resource potential evaluation of the general area of Agnews' West Facility that included projected Sections 22 and 23. Staff concluded that overall there is low potential for development of economic mineral resources. Current surface development in the general vicinity of the Agnew's West Facility consists of typical suburban areas with numerous residential districts, which would, in

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**CALENDAR ITEM NO. C64 (CONT'D)**

all probability, preclude any surface development of mineral resources. Commission staff recommends that the sale of the property be made with the reservation of mineral rights and modifications of the accompanying rights of surface entry in and above a plane located 500 feet below the surface of the property.

2. DGS will reimburse Commission costs for staff time to prepare the required documents.
3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15378.

**EXHIBIT:**

- A. Mineral Resource Potential Evaluation of Agnews West Facility, Santa Clara County and Location Map.

**PERMIT STREAMLINING ACT DEADLINE:**

N/A

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

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CALENDAR ITEM NO. C64 (CONT'D)

**AUTHORIZATION:**

1. FIND THAT THERE ARE NO KNOWN DEPOSITS OF COMMERCIALY VALUABLE MINERALS IN AND ABOVE A PLANE LOCATED 500 FEET BELOW THE SURFACE OF THE PARCELS PROPOSED FOR SALE BY THE CALIFORNIA DEPARTMENT OF GENERAL SERVICES, AND THAT THE SALE MAY BE MADE WITH THE RESERVATION OF MINERAL RIGHTS AND MODIFICATION OF THE ACCOMPANYING RIGHTS OF SURFACE ENTRY IN AND ABOVE A PLANE LOCATED 500 FEET BELOW THE SURFACE OF THE PARCELS.
  
2. AUTHORIZE THE EXECUTIVE OFFICER TO EXECUTE SUCH DOCUMENTS AND STAFF TO COMPLETE SUCH MINISTERIAL TASKS AS ARE NECESSARY TO CARRY OUT THE PURPOSES OF THIS CALENDAR ITEM.

## Memorandum

**To:** J. W. Planck, Senior  
Mineral Resources Engineer

**Date:** August 19, 1997

**File Ref.:** W 40732

**From:** Eric L. Kruger, Jr.  
**Mineral Resources Management Division**  
**California State Lands Commission**  
200 Ocean Gate, 12th Floor  
Long Beach, CA 90802

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**Subject: Mineral Resource Potential Evaluation of the Agnews Developmental Center West Campus Facility, Santa Clara County.**

### Background

On July 24th, 1997, the Department of General Services (DGS) requested a modification of surface entry rights for approximately 209 acres more or less (APNs: 97-08-23, 97-08-39, 97-08-40, 97-08-41, 97-08-42, 97-08-43, 97-08-44 and 97-8-45) all located in portions of projected Sections 22 and 23, T6S, T1W, MDM and situated at the Agnews Developmental Center in San Jose. A modification of surface entry rights on a portion of APN 97-08-44 containing approximately 82.5 acres was approved by the Commission at the July 1997 meeting. Portions of APNs 97-08-23 and 97-08-45 contain a valid easement (PRC 3949) issued to the Santa Clara County Flood Control and Water District. The Agnews West property is State proprietary land held by DGS and declared surplus property that DGS expects to sell within the next two years.

### Mineral Resource Potential Evaluation

Agnews West Campus is located in portions of projected Sections 22 and 23, T6S, R1W, MDM. The general vicinity is composed of mostly typical suburban areas including residential and commercial developments. Geologically, the area of the West Campus is similar to Agnews East Campus area, insofar as its transition zone character, situated between South Bay estuary saline mud deposits to the north and fragmented (detrital) stream sediments in the bed of Guadalupe River less than a mile east and the stream-bed of Saratoga Creek less than a mile west. According to the San Jose sheet of the State Geologic Atlas, material underlying Agnews is Recent alluvium (Qal) including stream, tideland, fan and flood-plain deposits consisting of clay, sand and silt.

### MILS Data

Locations from the Mineral Inventory Location System within a five-mile radius

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of the area of Agnews consist of industrial works including steel mills, cement plants and gravel pits, as of the late 1980s.

MRZ Data

The California Department of Conservation's Division of Mines and Geology Special Report (SR)-146 is the Mineral Land Classification for Construction Aggregate in the San Francisco Bay-Monterey Bay areas. SR-146 specifies that construction aggregate consists of sand, crushed stone and sand and gravel. The Milpitas base map of SR-146 shows the general area of Agnews is classified Mineral Resource Zone (MRZ)-1. Lands within the boundary of a MRZ-1 classification is an area where adequate information indicates that no significant mineral deposits are present or where it is judged that little likelihood exists for their presence. SR 146's compilation of aggregate operations shows there are no operations in the area of this evaluation, except for some operations near Milpitas about four miles northeast.

Conclusion

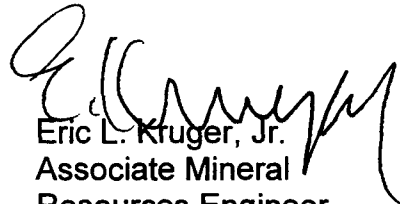
Staff concludes there is low potential for development of economic mineral resources. Surface development in the general vicinity of Agnews consists of typical suburban areas with numerous residential districts, which would, in all probability, preclude any surface development of minerals.

Recommendations

It is recommended that the State may approve a sale or other disposal of the subject parcels and modify the accompanying rights of surface entry, subject to the State's reservation of all mineral interest on the subject land. It is also recommended that, when the property is conveyed, the sale is subject to any valid easements approved by the State.

Staff Cost

Staff estimates 10 hours were used to complete a mineral evaluation for Agnews West and originate Commission documents and exhibits. At about \$83 per hour (reimbursable billing rate), total cost for staff time is \$830. DGS will be invoiced.

  
Eric L. Kfuger, Jr.  
Associate Mineral  
Resources Engineer

Attachments: Site maps.

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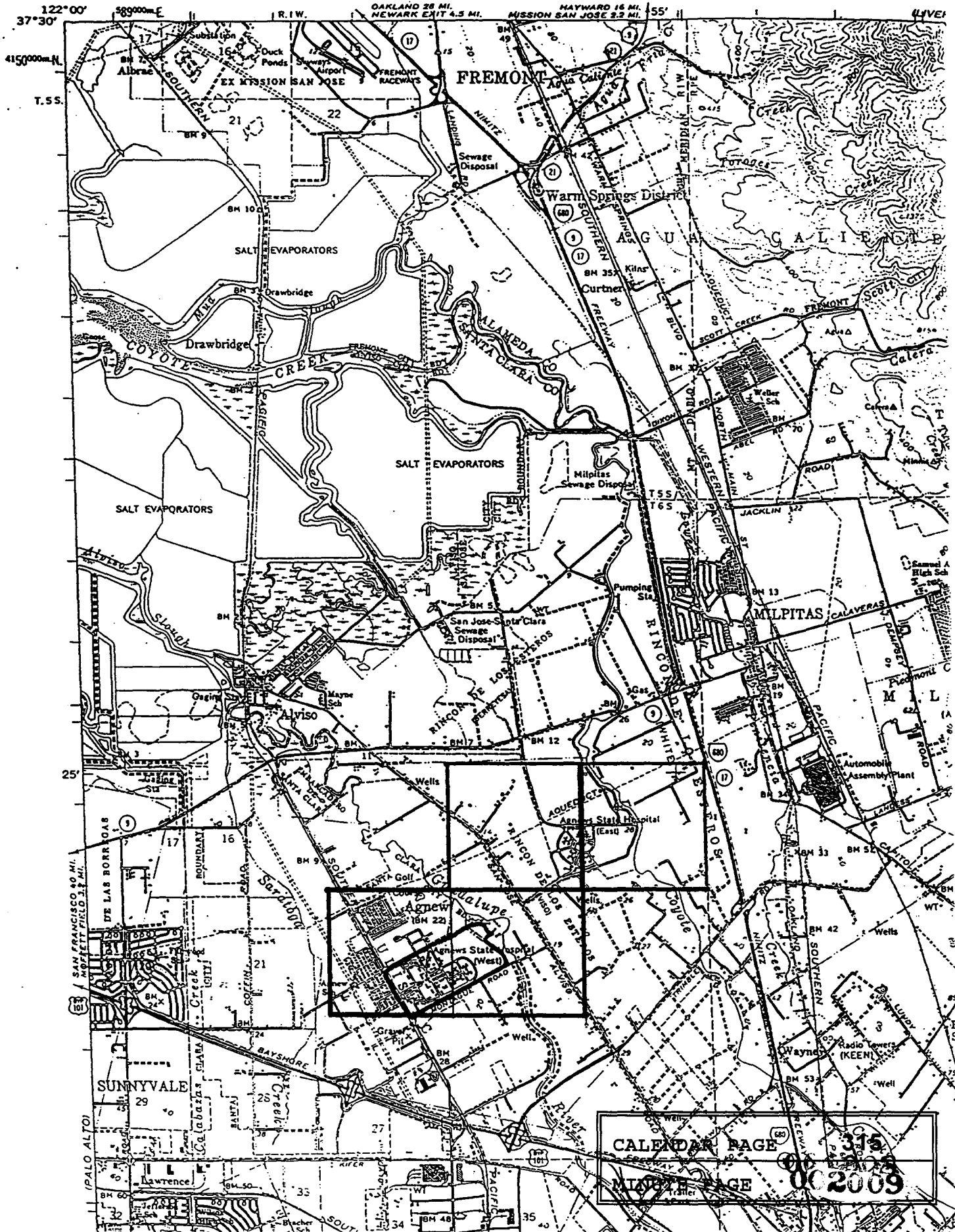
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August 19, 1997  
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cc: Paul B. Mount II - w/attach.  
A. D. Willard - " "

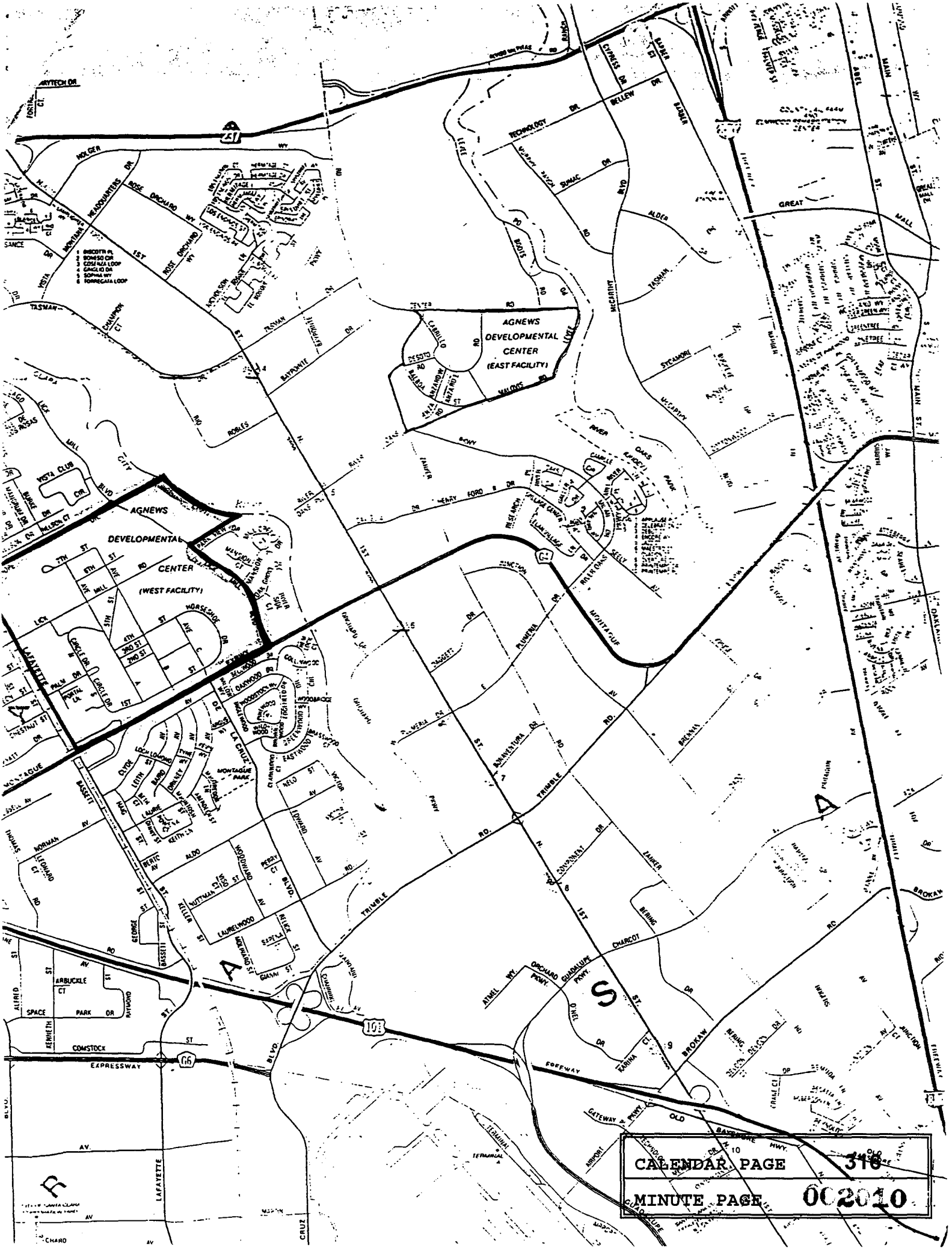
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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY



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