

**CALENDAR ITEM
C29**

A 25, 26

06/28/10
WP 6865.9
M. Clark

S 12, 14

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANTS:

Verda Marie Couchman, Jerald Paul Couchman and Janis Collyer, Trustees of the Verda Couchman Revocable Survivor's Trust dated March 3, 2003; and Verda Marie Couchman, Trustee of the Homer Couchman Irrevocable Family Trust dated March 3, 2003

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Tuolumne River, adjacent to 3131 Illinois Avenue, city of Modesto, Stanislaus County.

AUTHORIZED USE:

Continued use and maintenance of existing bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning November 20, 2009.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance with coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On March 1, 1995, the Commission authorized a General Lease – Protective Structure Use to Homer L. Couchman and Verda M. Couchman, which expired November 19, 2009. Homer L. Couchman has since passed away and the property has been transferred to Verda Marie Couchman, Jerald Paul Couchman and Janis Collyer, Trustees of the

CALENDAR ITEM NO. **C29** (CONT'D)

Verda Couchman Revocable Survivor's Trust dated March 3, 2003; and Verda Marie Couchman, Trustee of the Homer Couchman Irrevocable Family Trust dated March 3, 2003. The Applicants are now applying for a new General Lease- Protective Structure Use.

3. The bank protection exists at two separate sites along the bank of Applicants' property and provides protection from erosion. The Applicants will continue to maintain and repair the lease area.
4. The bank protection will mutually benefit both the public and the Applicants. The bank of the Tuolumne River will have the additional protection from wave action provided at no cost to the public.
5. 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 CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 1, Existing Facilities; Title 2, California Code Of Regulations, section 2905 (a)(2).

CALENDAR ITEM NO. **C29** (CONT'D)

SIGNIFICANT LANDS INVENTORY FINDING:

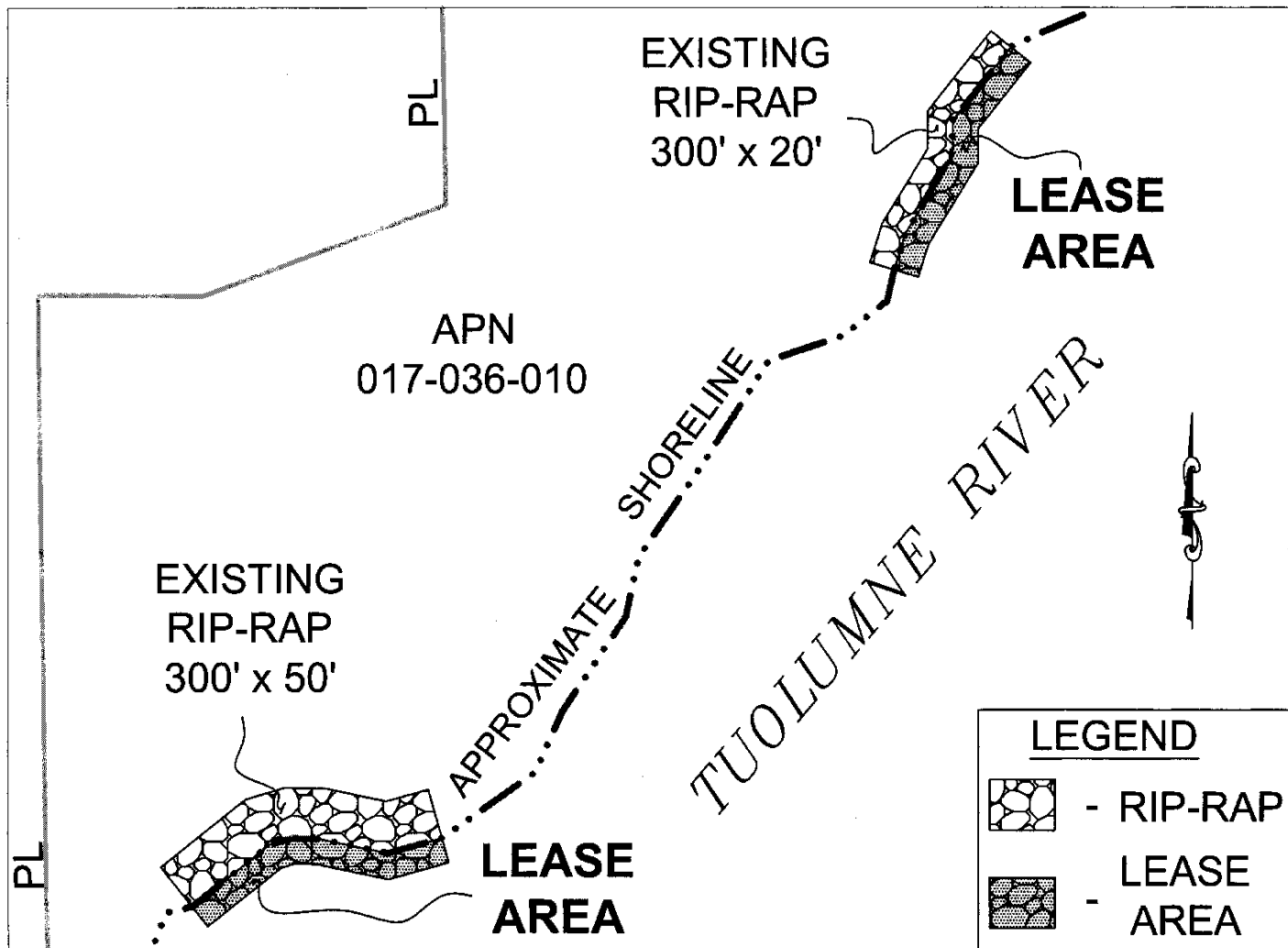
Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code sections 6370, et seq.

AUTHORIZATION:



Authorize issuance of a General Lease – Protective Structure Use to Verda Marie Couchman, Jerald Paul Couchman and Janis Collyer, Trustees of the Verda Couchman Revocable Survivor's Trust dated March 3, 2003; and Verda Marie Couchman, Trustee of the Homer Couchman Irrevocable Family Trust dated March 3, 2003, beginning November 20, 2009, for a term of ten years, for the continued use and maintenance of existing bank protection as shown on Exhibit A attached and by this reference made a part hereof; consideration for the bank protection: the public use and benefit with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest; and liability insurance in the amount of no less than \$1,000,000.

NO SCALE

SITE



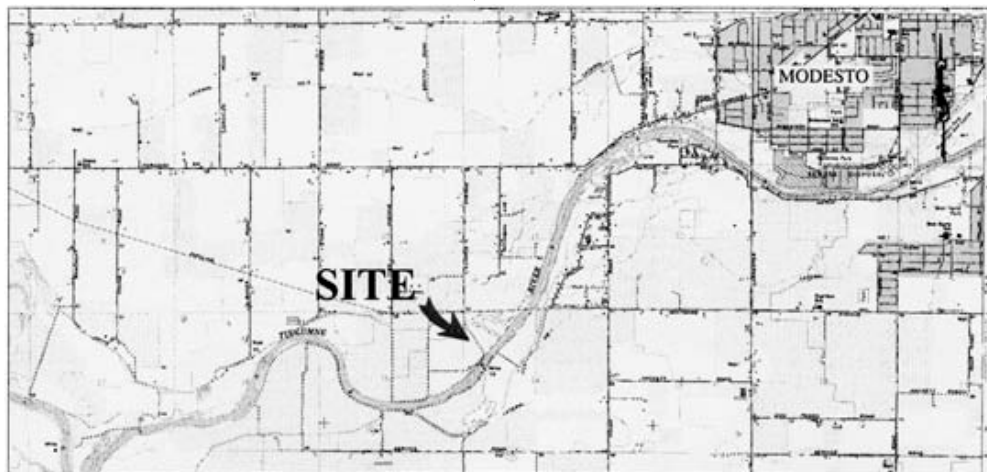
LEGEND

-  - RIP-RAP
-  - LEASE AREA

3131 ILLINOIS AVE., MODESTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit A
 WP 6865.9
 COUCHMAN TRUST
 APN 017-036-010
 GENERAL LEASE -
 PROTECTIVE
 STRUCTURE USE
 STANISLAUS COUNTY

