

**CALENDAR ITEM
C60**

A 25, 26

03/29/12

WP 6865.9

S 12, 14

R. Boggiano

**CONSIDER AN ASSIGNMENT OF GENERAL LEASE- RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

LESSEE/ASSIGNOR:

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

ASSIGNEE:

Couchman Bros., a California General Partnership

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use and maintenance of existing bank protection.

LEASE TERM:

10 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.

OTHER PERTINENT INFORMATION:

1. Assignee owns the upland adjoining the lease premises.

2. On June 28, 2010, the Commission authorized 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

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dated March 3, 2003. Verda Marie Couchman has since passed away and the two trusts holding title to the upland property remained with successor trustees as Jerald Paul Couchman and Janis Collyer, Trustees of the Verda Couchman Revocable Survivor's Trust dated March 3, 2003; and Jarald Paul Couchman and Nancy Lee Hamilton, Trustees of the Homer Couchman Irrevocable Family Trust dated March 3, 2003. On October 4, 2011, ownership of the upland property transferred to Couchman Bros., a California General Partnership. Couchman Bros. is now applying for an assignment of the lease.

3. The staff recommends that the Commission find that the subject assignment of lease does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the assignment of lease is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of \

AUTHORIZATION:

Authorize the assignment of Lease No. PRC 6865.9, a General Lease – Protective Structure Use, of sovereign land in the Tuolumne River as described in Exhibit A and shown on Exhibit B (for reference purposes

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only) attached and by this reference made a part hereof, from Jerald Paul Couchman and Janis Collyer, Trustees of the Verda Couchman Revocable Survivor's Trust dated March 3, 2003; and Jerald Paul Couchman and Nancy Lee Hamilton, Trustees of the Homer Couchman Irrevocable Family Trust dated March 3, 2003, to Couchman Bros., a California General Partnership.

EXHIBIT A

PRC 6865.9

LAND DESCRIPTION

All that submerged land in the bed of the Tuolumne River, Sections 14 and 15, T4S, R8E, MDM, Stanislaus County, California, lying immediately beneath riprap placed for bank protection along the right bank of said river, said land lying adjacent to and south easterly of that land described in the Grant Deed recorded September 5, 1967 in Book 2182, Page 27, Official Records of Stanislaus County.

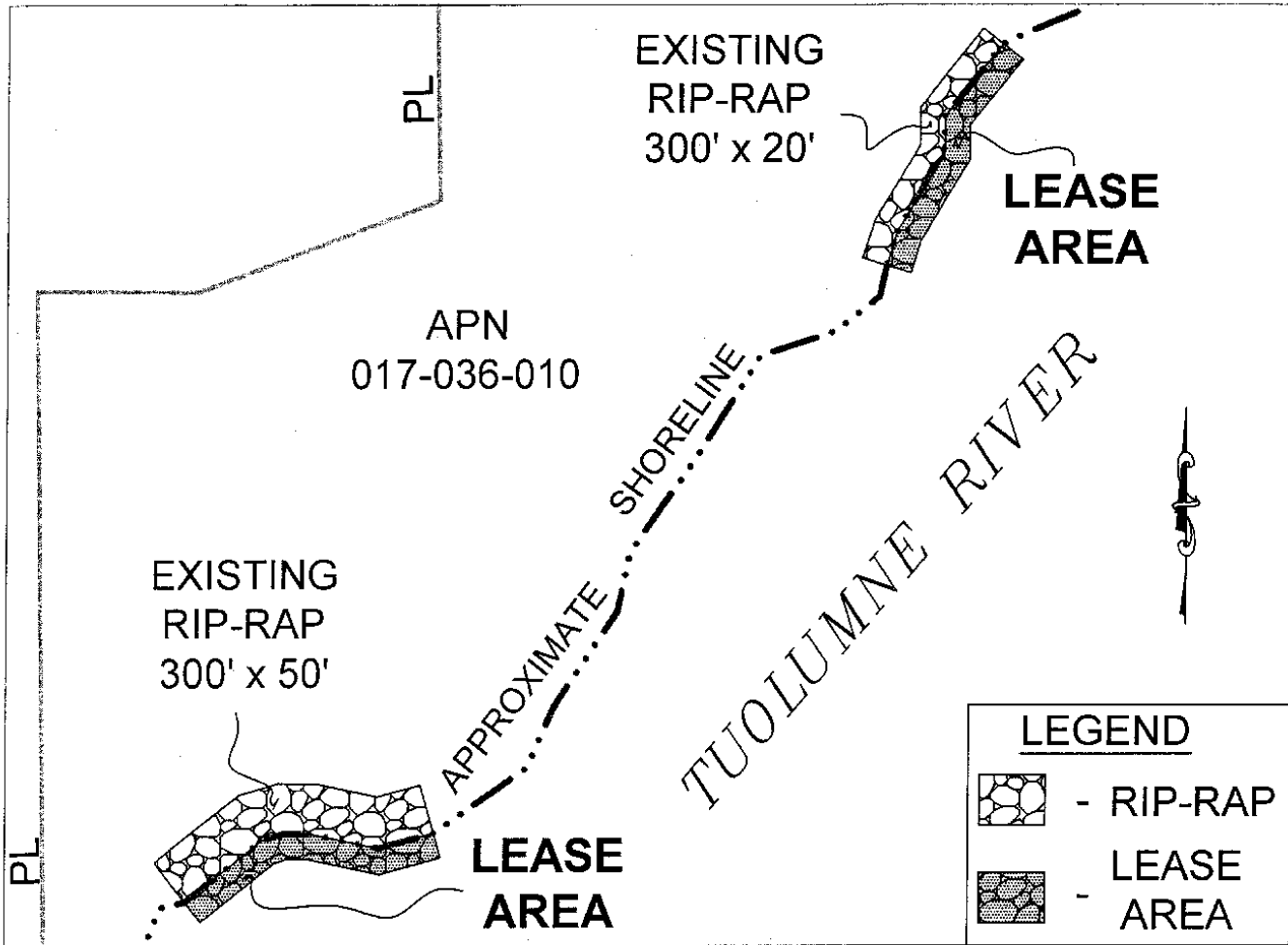
EXCEPTING THEREFROM any portion thereof lying landward of the ordinary low water mark of said Tuolumne River.

END OF DESCRIPTION

PREPARED NOVEMBER 29, 1984 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

NO SCALE

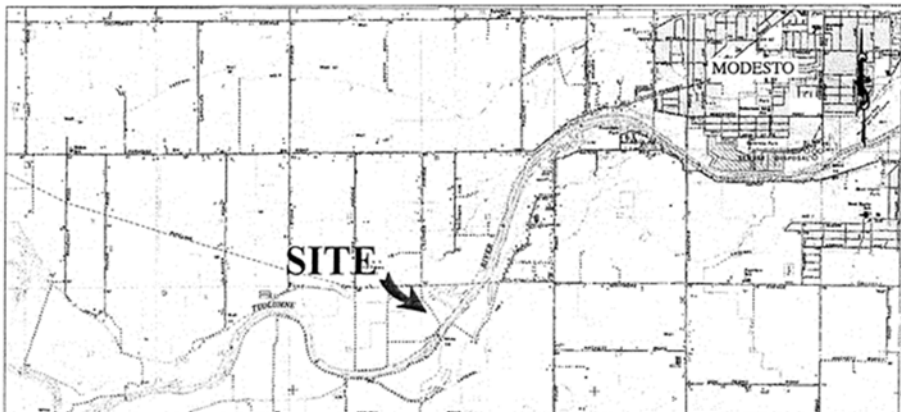
SITE



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 B

PRC 6865.9

COUCHMAN BROS.

APN 017-036-010

GENERAL LEASE -

PROTECTIVE

STRUCTURE USE

STANISLAUS COUNTY



JWP 02/12