

Staff Report 05

LESSEE/APPLICANT:

William A.S. Magrath II and Judith B. Magrath, as Trustees of the Magrath Family Trust (u/d/t 2/11/2008)

PROPOSED ACTION:

Amendment of a General Lease – Recreational Use

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 8357 Meeks Bay Avenue, near Meeks Bay, El Dorado County.

AUTHORIZED USE:

Reconstruction of an existing pier; removal of a stairway and catwalk, installation of an adjustable catwalk and gangway; and continued use and maintenance of two existing mooring buoys.

TERM:

10 years, beginning October 24, 2019.

CONSIDERATION:

\$1,047 per year, with an annual Consumer Price Index adjustment.

PROPOSED AMENDMENT:

Amend Section 1, Consideration, to revise the annual rent based upon the current 2021 Lake Tahoe Benchmark rates to \$886, with an annual Consumer Price Index adjustment.

The amendment shall be effective October 24, 2022. All other terms and conditions of the lease shall remain in effect without amendment.

STAFF ANALYSIS AND RECOMMENDATION:

AUTHORITY:

Public Resources Code sections 6005, 6216, 6301, 6501.1, 6503, 6503.5, and 6505.5; California Code of regulations, title 2, sections 2000 and 2003.

PUBLIC TRUST AND STATE'S BEST INTERESTS:

On October 24, 2019, the Commission authorized Lease 8938, a General Lease – Recreational Use, to William A.S. Magrath II and Judith B. Magrath, as Trustees of the Magrath Family Trust (u/d/t 2/11/2008) for reconstruction of an existing pier; removal of a stairway and catwalk, installation of an adjustable catwalk and gangway; and the continued use and maintenance of two existing mooring buoys located adjacent to 8357 Meeks Bay Avenue, near Meeks Bay, El Dorado County ([Item C14, October 24, 2019](#)). The lease will expire on October 23, 2029.

The annual rent for Lease 8938 was based upon the 2012 Lake Tahoe Benchmark rates in effect at the time of the 2019 authorization. On December 8, 2021, the Commission authorized the 2021 Lake Tahoe Benchmark rates ([Item 02, December 8, 2021](#)).

With the revision of the Category 1 Lake Tahoe Buoys benchmark, staff noted that lessees may want to recalculate their rent based on the updated benchmarks before the expiration of their leases. In conjunction with approval of the 2021 Lake Tahoe Benchmark rates, the Commission authorized the Executive Officer or designee to reduce the approximate expense deposit from \$1,500 to \$1,000 for those lessees applying to amend their leases for a rent recalculation under the new benchmark rates.

The Lessee subsequently applied for an amendment of the lease, to receive the benefit of a recalculation of the annual rent under the 2021 Lake Tahoe Benchmark rates currently in effect. Rent under the current lease was paid through October 23, 2022. Staff recommends that the new rent be effective on the lease anniversary date (October 24, 2022).

The Lessee submitted a Notice of Completion dated May 20, 2020, for the pier reconstruction, including photographic evidence dated April 15, 2020. The Notice of Completion included an invitation to staff to complete a site inspection of the completed work. Because of ongoing COVID-19-related restrictions, staff reviewed electronic submissions only, and found no changes from the original plans submitted by the Applicant. The existing impact area is unchanged therefore the

Exhibits of the lease remain accurate. The difference in rent for the amendment of lease reflects only the application of the 2021 Lake Tahoe Benchmark rates.

Staff believes the approval of this amendment will not result in a change in the use of, or impacts to, Public Trust resources at this location, at this time, and for the foreseeable term of the lease; and is in the best interests of the State.

OTHER PERTINENT INFORMATION:

1. Approval or denial of the application to amend the lease is a discretionary action by the Commission. Each time the Commission approves or rejects a use of sovereign land or a revision of rent, it exercises legislatively delegated authority and responsibility as a trustee of the State's Public Trust lands as authorized by law. Upon expiration or early termination of a lease, neither the Lessee nor the Applicant has any right to a new lease or to renewal of any previous lease.
2. This action is consistent with the "Leading Climate Activism" and "Meeting Evolving Public Trust Needs" Strategic Focus Area of the Commission's 2021-2025 Strategic Plan.
3. Amendment of the lease to revise the rent is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5).

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed lease amendment will not substantially interfere with Public Trust needs and values at this location, at this time, and for the remaining term of the lease; and is in the best interests of the State.

AUTHORIZATION:

Authorize the amendment of Lease Number 8938, a General Lease – Recreational Use, effective October 24, 2022, to revise the rent using the 2021 Lake Tahoe Benchmark rates currently in effect to \$886 per year, with an annual Consumer Price Index adjustment; all other terms and conditions of the lease shall remain in effect without amendment.

EXHIBIT A

LEASE 8938.1

LAND DESCRIPTION

Three parcels of submerged land located in the bed of Lake Tahoe, lying adjacent to Lot 4 fractional Section 29, Township 14 North, Range 17 East, MDM., as shown on Official Government Township Plat approved July 29, 1880, County of El Dorado, State of California and more particularly described as follows:

PARCEL 1 — PIER

All those lands underlying an existing pier, catwalk, and gangway lying adjacent to that parcel as described in that Grant Deed recorded July 29, 2015 as Document Number 2015-0035585-00 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portions lying landward of elevation 6223 feet LTD on the Shoreline of said Lake Tahoe.

PARCELS 2, 3 — 2 BUOYS

Two circular parcels of land, being 50 feet in diameter, underlying two existing buoys lying adjacent to said parcel.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared July 26, 2019 by the California State Lands Commission Boundary Unit.



NO SCALE

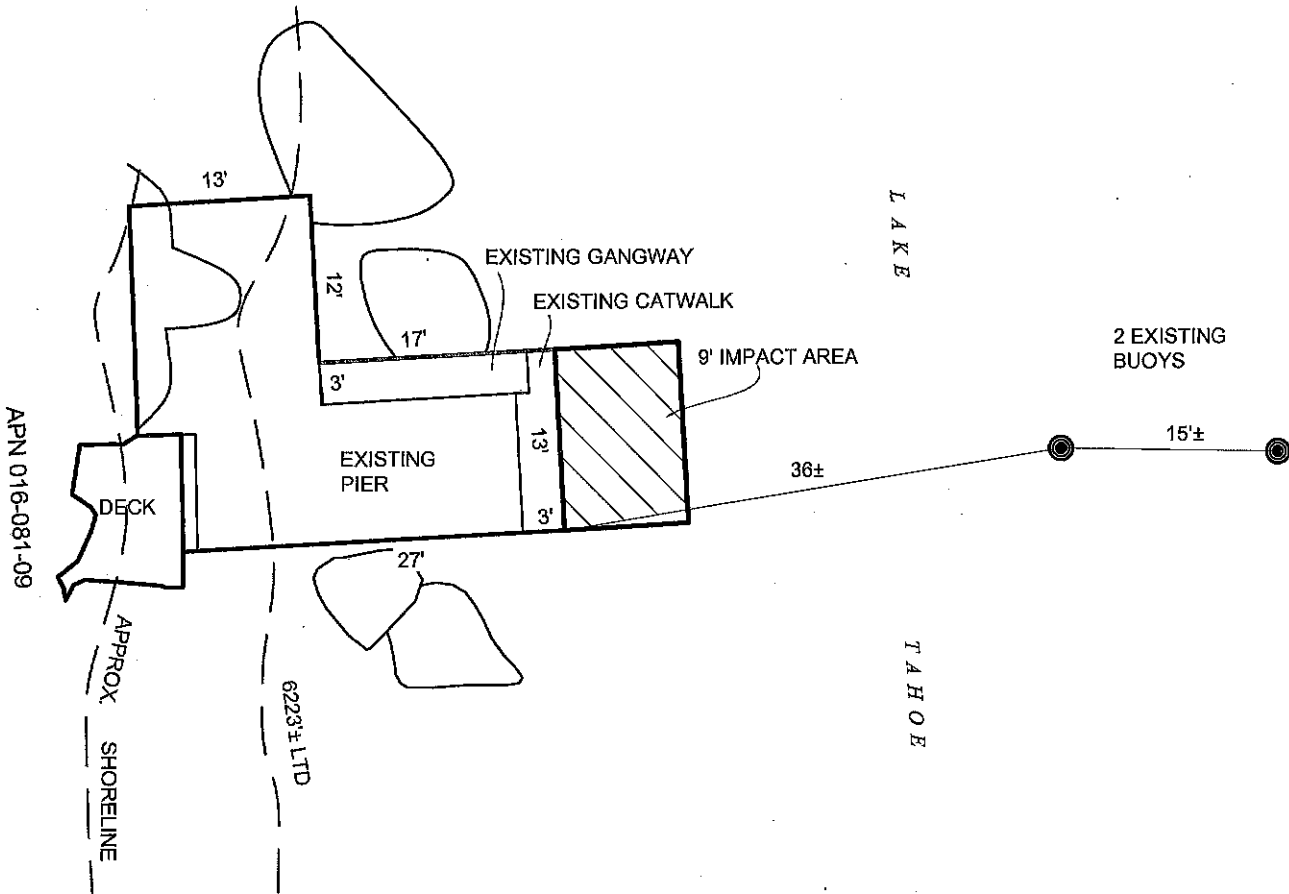


EXHIBIT A

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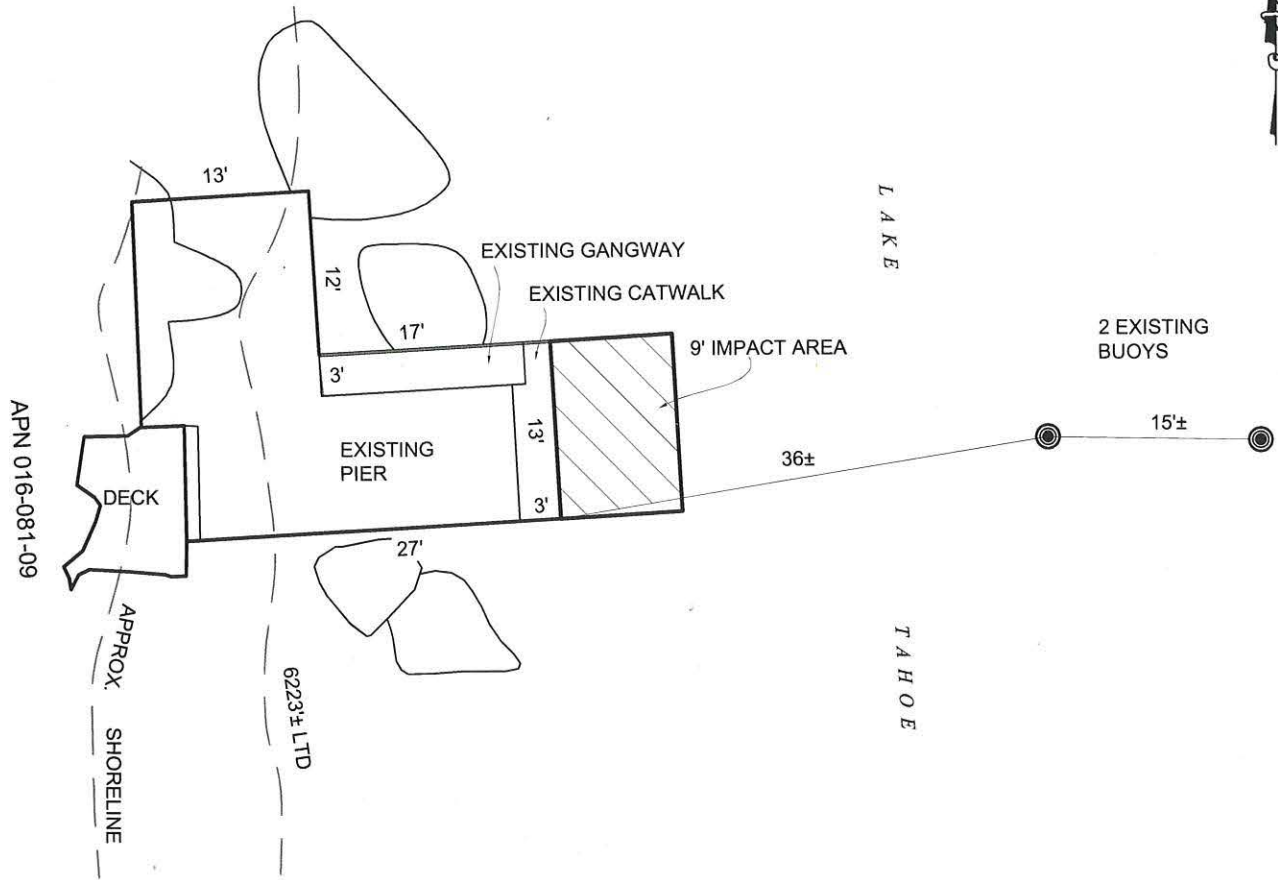
LAND DESCRIPTION PLAT
 LEASE 8938.1, MAGRATH TRUST
 EL DORADO COUNTY

CALIFORNIA STATE
 LANDS COMMISSION



NO SCALE

SITE



8357 MEEKS BAY AVENUE, NEAR MEEKS BAY

NO SCALE

LOCATION

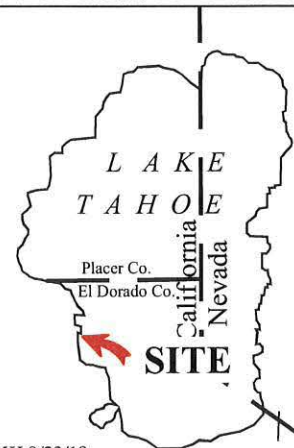


MAP SOURCE: USGS QUAD

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

LEASE 8938.1
 MAGRATH TRUST
 APN 016-081-09
 GENERAL LEASE -
 RECREATIONAL USE
 EL DORADO COUNTY



MJJ 9/23/19