

Notice of Determination

To:

Office of Planning and Research
[CEQA Submit](#)

From:

Department of Fish and Wildlife
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
Contact: Kelly Fisher
Email: Kelly.Fisher@wildlife.ca.gov
Phone: 858-354-5083



Lead Agency
City of San Marcos
1 Civic Center Drive
San Marcos, CA 92069
Contact: Planning Division
Phone: 760-744-1050 x 3233

SUBJECT: Filing of Notice of Determination pursuant to Public Resources Code section 21108

State Clearinghouse Number: 2021070545

Project Title: Twin Oaks Fuel, Convenience Store, and Car Wash Project (Streambed Alteration Agreement No. EPIMS-SDO-32712-R5)

Project Location (San Diego County): The project is located along the west bank of Twin Oaks Creek and within the bed, channel, and bank of the tributary drainage running along the southern property line, at the southeast corner of the intersection of North Twin Oaks Valley Road and West Borden Road, in the City of San Marcos, County of San Diego.

Project Description: The California Department of Fish and Wildlife (CDFW) has executed a Streambed Alteration Agreement (EPIMS-SDO-32712-R5), pursuant to Fish and Game Code section 1602, the project Applicant, M5 Twin Oaks, LLC.

Project activities include converting the natural-lined channel running along the southern edge of the project site to a concrete-lined channel and installing a riprap energy dissipator at the downstream end of the channel where it enters Twin Oaks Creek, installing fill and a retaining wall to bring the building pad above the 100-year base flood elevation, recontouring the riparian area between the location of the retaining wall and the main channel of Twin Oaks Creek so the area drains in a southeast direction and installing an energy dissipator at the downslope end to prevent erosion of the bank by overland flows, and revegetating the riparian area.

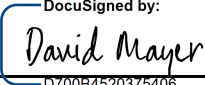
This is to advise that CDFW, acting as a Responsible Agency, approved the project described above on 4/11/2023 and has made the following determinations regarding the project pursuant to California Code of Regulations section 15096, subdivision (i):

1. The project will not have a significant effect on the environment. This determination is limited to effects within CDFW's permitting jurisdiction as a Responsible Agency.
2. CDFW considered the Mitigated Negative Declaration prepared by the Lead Agency for this project pursuant to California Code of Regulations section 15096, subdivision (f).
3. Mitigation measures were made a condition of CDFW's approval of the project.

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- 4. A Mitigation Reporting or Monitoring Plan was adopted by CDFW for this project.
- 5. A Statement of Overriding Considerations was not adopted by CDFW for this project.
- 6. Findings were not made by CDFW pursuant to California Code of Regulations section 15091.

The Mitigated Negative Declaration prepared for the project is available to the general public at the office location listed above for the Lead Agency. CDFW's record of project approval as a Responsible Agency is available at CDFW's regional office.

Signature:  DocuSigned by:
D700B4520375406... _____ Date: 4/18/2023
David Mayer
Environmental Program Manager

Date Received for filing at OPR: _____