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**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 36433

NORTH COUNTY TRANSIT DISTRICT –

PETITION FOR DECLARATORY ORDER

**CALIFORNIA COASTAL COMMISSION THIRD UPDATE
REGARDING THE COMMISSION'S APPROVAL OF
DEL MAR BLUFF STABILIZATION PROJECT V**

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The California Coastal Commission provides this brief third update regarding the status of the Commission's approval of the San Diego Association of Government's (SANDAG) federal consistency certification for the Del Mar Bluffs Stabilization Project V (Project). As the Commission informed this Board in an update filed on June 23, 2022, the Commission conditionally concurred with the SANDAG's federal consistency certification for the Project on June 8, 2022, pursuant to the federal Coastal Zone Management Act (CZMA). The Commission's decision was final on the day the Commission voted and no lawsuit has been filed within the requisite sixty (60) days to challenge the Commission's decision. CA Pub. Resources Code § 30801. The time to challenge the Commission's approval ran on August 7, 2022. Failure to timely challenge a Commission decision makes that decision immune from any attack on any ground. *Lynch v. California Coastal Com.* (2017) 3 Cal.5th 470, 476-477; *Lent v. California Coastal Com.* (2021) 62 Cal.App.5th 812, 831-832; *SLPR, L.L.C. v. San Diego Unified Port District* (2020) 49 Cal.App.5th 284, 321-323 [failure to timely challenge a Commission decision on a federal consistency determination bars all claims]. The Commission's approval of the Project is thus final and binding.

Dated: August 19, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

In accordance with 49 C.F.R. § 1104.12, I hereby certify that on **August 22, 2022**, I served a copy of this **CALIFORNIA COASTAL COMMISSION THIRD UPDATE REGARDING THE COMMISSION'S APPROVAL OF DEL MAR BLUFF STABILIZATION PROJECT V** on all parties of record by first-class mail and email as follows:

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