

**1) *State Dept. of Finance, et al. v. Commission on State Mandates, et al.***

On August 29, 2016, Justice Corrigan, writing for the California Supreme Court majority, reversed the judgment of the Court of Appeals in this case that centers on whether certain storm-water permit terms imposed by the State Water Resource Control Board (SWRCB) or its Regional Boards are federally mandated by the Clean Water Act (CWA). The majority upheld a Commission on State Mandates' ruling that terms in a 2001 National Pollutant Discharge Elimination System (NPDES) permit requiring trash receptacles and certain site inspections were not federally mandated, and therefore subject to reimbursement by the State, pursuant to Article III B, § 6 of the California Constitution.

Justice Cuéllar, joined by Justices Liu and Kruger, in a partially concurring and dissenting opinion agreed with the majority to reverse the judgment of the Court of Appeal but disagreed with the majority's decision to uphold the Commission's determination. Although California is not required to assume NPDES permitting responsibility under the CWA, the dissenting justices pointed out that an active state role was clearly envisioned for the implementation of the NPDES program, and that the Commission's sole reliance on the text of the CWA and its implementing regulations failed to recognize the cooperative and complex federal-state background of the CWA. The SWRCB petitioned the Court for rehearing on September 9, 2016, and the Court set November 27, 2016, as the date by which it will grant or deny their petition.

**2) *Central Delta Water, et al. v. Delta Wetlands Properties***

Central Delta Water alleges that the sale by Delta Wetlands Property of five islands in the Delta to Metropolitan Water District (MWD) puts Delta Wetlands Property in breach of a past settlement agreement in which Delta Wetlands had agreed to bind itself and successor owners to land use restrictions. On June 9, 2016, petitioners' request for a temporary restraining order on the sale of the islands in this case was denied. Following an initial case management conference on August 3, 2016, Central Delta Water submitted an amended complaint on August 16, 2016 and another case management conference is scheduled for November 29, 2016.