

STEARNS WEAVER MILLER



SUSAN L. STEPHENS

Shareholder, Tallahassee

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Susan L. Stephens has over 25 years of experience practicing environmental & natural resource and administrative law, including rulemaking practice and procedure and administrative litigation. Her practice focuses on balancing property and resource use with competing private, governmental and citizen interests.

Susan is Board Certified by The Florida Bar in State & Federal Government & Administrative Practice*. She represents clients before various federal, state, regional, and local environmental agencies in connection with the obtainment, interpretation, compliance and enforcement of environmental permits for regulated industrial, commercial, and development activities. This representation includes matters related to resource extraction, wetlands and mitigation banks, agritourism, wastewater, submerged lands, and state and federal listed wildlife. This has included significant experience working with state agencies to obtain State 404 wetland permits. She also has experience with compliance and enforcement matters involving unanticipated bypasses, "Act of God" emergency authorizations, spills, unpermitted wetland or species impacts, or similar compliance and enforcement issues.

Susan has extensive experience assisting in the development of policy and regulatory initiatives, which has included the development of Florida's major regulatory projects such as its State 404 Permit Program, Title V Air Operating Permit Program, National Pollutant Discharge Elimination System (NPDES) Wastewater Permitting Program, and state listed species permitting guidelines. She also has experience with complex administrative and judicial challenges to proposed and final permits. in both the state and federal arenas.

Additionally, Susan has assisted clients in conducting internal self-audits for environmental compliance as well as environmental due diligence reviews for real estate transactions. She has represented clients before the Department of Transportation on matters such as access management and activities in highway rights of way.

Prior to joining the Firm, Susan was a Shareholder in a boutique law firm and, before that, a Partner at an international law firm, both in Tallahassee, Florida.

**With only 7% of eligible members certified, Board certification is The Florida Bar's highest level of evaluation of a lawyer's competence and experience in a particular area of practice. It identifies lawyers with "special knowledge, skills and proficiency, as well as a reputation for professionalism and ethics." To achieve certification, a lawyer must endure rigorous examination and testing and be evaluated by their peers.*

PRACTICE AREAS

Environmental & Natural Resources

Government & Administrative

Land Development/Land Use/Zoning

Real Estate

EDUCATION

J.D., with highest honors,
Florida State University College
of Law, 1993

- Order of the Coif
- Law Review, Associate Editor
- Writing and Research Editor

B.A., with high distinction, Ohio
Northern University, 1989

ADMISSIONS

Florida

United States Supreme Court

United States Court of Appeals
for the Eleventh Circuit

United States District Courts for
the Northern and Middle
Districts of Florida

CERTIFICATIONS

Board Certified by The Florida
Bar in State & Federal
Government & Administrative
Practice

Areas of Concentration

- Clean Water Act 404 and State 404 permitting
- Consumptive use permitting
- Environmental compliance, due diligence and permitting
- Mining/Minerals/Resource Extraction
- Mitigation banks
- National Environmental Policy Act compliance
- State-owned lands
- Submerged lands
- Wastewater/Stormwater
- Water Resources
- Wetlands
- Wildlife/Imperiled Species

PROFESSIONAL & COMMUNITY INVOLVEMENT

- American Bar Association, Administrative and Regulatory Law Section, 1993-Present
- American Bar Association, Environment, Energy and Resources Section (SEER), 1993-Present
 - Executive Council, 2021-2024
 - Select Committee on Marketing & Communications, Chair, 2021-present
 - Trends Magazine, Editorial Board member, 2020-2022
 - Endangered Species Committee
 - At Large Vice Chair, 2020-2021
 - Chair, 2019-2020
 - Co-Chair, 2018-2019
 - Water Quality and Wetlands Committee, Communications Vice Chair, 2018-2021
- American Bar Foundation (ABF), Fellow, 2022-Present
- Adjunct Professor, Florida State University College of Law, 2021-Present
- The Florida Bar
 - Administrative Law Section (ALS), 1993-Present
 - Environmental and Land Use Law Section (ELULS), 1993-Present
 - Continuing Legal Education Committee, 2005-2008
 - Journal Editorial Board, 1998-2002

RECOGNITION

- *The Best Lawyers in America*®, 2023
- *Florida Trend's Florida Legal Elite*, 2012
- AV-Distinguished by Martindale-Hubbell

SELECTED PUBLICATIONS

- “Chapter 9.8 : Environmental Resource Permit Grandfathering,” The Florida Bar Environmental and Land Use Law Treatise, 2015, 2022.
- “USFWS to Revise Critical Habitat Rules For Manatees,” Stearns Weaver Miller News Update, July 19, 2022
- “Property Due Diligence and the Consideration of PFAS,” Stearns Weaver Miller News Update, November 30, 2021
- “Bird, Bird, Bird – Bird Is the Word!” Stearns Weaver Miller News Update, November 4, 2021
- “Development Demand Drives Opportunity for Conservation of Gopher Tortoise Sites,” Stearns Weaver Miller News Update, October 11, 2021
- “Federal Court Puts ‘Navigable Waters Protection Rule’ In Murky Waters for Florida,” Stearns Weaver Miller News Update, October 7, 2021
- “What’s Developing | Fall 2021,” Stearns Weaver Miller News Update, September 24, 2021
- “Chapter 8: Environmental Agencies,” The Florida Bar Administrative Law Treatise, 2008-present
- “Chapter 9.4: Nationwide Permits,” The Florida Bar Environmental and Land Use Law Treatise, 2008-2012
- “Proposed Changes to Interim Methodology for Endangered Species Risk Assessments for Pesticides,” ABA Administrative and Regulatory Law News Vol. 44 Issue 4, Summer 2019
- “Forestry Best Management Practices for Water & Wildlife in Florida: What’s in It for Me?” ABA SEER Natural Resources & Environment Magazine Vol. 33, No. 3, Winter 2019
- “Numeric Nutrient Criteria, Coming to a Water Body Near You?” ABA SEER Mining and Mineral Extraction Committee Newsletter, 2013
- “Effect of Third Party Participation on Phosphate Mine Permitting in Florida,” ABA SEER Energy and Natural Resources Litigation Committee Newsletter, February 2013
- “Challenges to Phosphate Mine Permitting in Florida,” ABA SEER Year in Review Mining Chapter, 2012
- “Feeling Our Way Through the Clean Water Act: Pre-Enforcement Judicial Review of the EPA Compliance Orders Under Sackett v. Environmental Protection Agency,” University of Florida Journal of Law and Public Policy – Volume 23, 2012

- “Florida’s Waters: Significant Cases In the Works,” Florida Bar Environmental and Land Use Law Section Reporter, April 2005

SELECTED PRESENTATIONS

- “State 404 Program Permitting,” Florida Association for Water Quality Control Conference, June 16, 2022
- “Hot Topics in Wetlands & Wildlife,” Lay of the Land Conference, April 19, 2022
- Florida Environmental Permitting, Spring Semester, 2021 & 2022, Florida State University College of Law
- “WEBINAR: Navigating the Revised Definition of ‘Waters of the United States’ (‘WOTUS’),” Stearns Weaver Miller, February 2, 2022
- “Emerging Issues in Environmental Resource Permitting,” Florida Chamber’s 35th Annual Environmental Permitting Summer School, July 21, 2021
- “Fresh From Florida: Emerging Issues in Agriculture & Their Effect on the Environment,” Florida Chamber’s Annual Environmental Permitting Summer School, 2019-2022
- “Something’s in the Water: A Panel on Freshwater and Marine Ecosystems and the Effect of Litigation on These Precious Ecosystems,” ABA SEER’s 28th Fall Conference, October 19, 2020
- “Legal and Regulatory Mining Issues in Florida,” Florida SME (Society for Mining, Metallurgy & Exploration) 34th Annual Regional Mining Conference, October 10, 2019
- “Endangered Species Act 101,” ABA CLE Webinar, August 27, 2019
- “Stormwater Permitting Basics,” ABA CLE Webinar, 2019
- “Environmental Update - What You Need to Know Now,” 12th Annual Florida Industry and Mining Safety, Health and Environment Conference, February 19, 2015
- “Federal Waters of the U.S. Rulemaking,” 11th Annual Florida Industry and Mining Safety, Health and Environment Conference, February 19, 2014
- “EPA’s Draft Rule on Waters of the United States (WOTUS),” ABA Non-CLE Webinar, 2013
- Environmental and Land Use Law Section Annual Update Conference, The Florida Bar, 2011