

Stephanie N. Clark

Associate | Orange County

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Stephanie Clark is a member of Nossaman’s Environment & Land Use Group. She advises clients on a variety of land use and environmental matters, including matters dealing with the California Environmental Quality Act, Endangered Species Act, the National Environmental Policy Act, the Administrative Procedures Act, the California Planning and Zoning Law, the Clean Water Act, the Migratory Bird Treaty Act, and federal and state constitutions.

Stephanie assists in representing resource developers, industry organizations, landowners, and public agencies on matters involving federal and state permitting issues, local zoning issues, environmental planning and litigation, and wildlife impact and permitting issues. She counsels potential investors in both renewable energy and development projects on adherence to state and federal wildlife and environmental laws. She assists in state and federal litigation, and has assisted in administrative hearings before various state and local hearing bodies.

Stephanie counsels both private developers and public agencies with respect to the California Environmental Quality Act and associated land use regulations. She also provides general counsel assistance to public agencies and litigation representation related to the National Environmental Policy Act, the Department of Transportation Act, California environmental laws, and California public agency laws.

Prior to joining Nossaman, Stephanie worked as a law clerk and legal extern at the City of Yakima City Attorney’s Office, Orange County Office of County Counsel, and City of Seattle Torts Division.

Stephanie regularly comments on news, events, and policies affecting endangered species issues in California and throughout the U.S. on the Firm’s Endangered Species Law & Policy blog.

EXPERIENCE

Groundfish Forum, et al. v. Wilbur L. Ross, et al. (1:16-cv-02495). Served as part of the litigation team that successfully litigated the North Pacific Fisheries Council’s Amendment 113 governing the catching and processing of cod and halibut in Alaska and the Aleutian Islands, resulting in Amendment 113 being overturned.

Orange County Transportation Corridor Agencies. Provided counsel on state and federal permitting issues for the Tesoro Extension (SR 241). Part of the team that provided representation in administrative hearings and litigation concerning the Tesoro Extension project. Part of the team providing general counsel representation on various contracting, implementation, and state and federal compliance issues for tolling and violation processes.

Arizona Department of Transportation (ADOT). Part of the team that represented ADOT in successful defense of 20-mile South Mountain Freeway Project in Phoenix against NEPA, and Section 4(f) challenges. *Protecting Arizona's Resources & Children v. FHWA*, U.S. Dist. Ariz Case Nos. CV-15-00893; 012121 (D. Ariz. Aug. 19, 2016, Granting ADOT's Motion for Summary Judgment). The project is currently under construction, and on December 8, 2017, the Ninth Circuit Court of Appeals unanimously rejected two challenges to the 2016 decision, No.16-16586, No. 16-16605, --- Fed. Appx. ---, 2017 WL 6146939 (9th Cir. Dec. 8, 2017) (memorandum op'n).

24th Street Improvement Project Litigation. Assisted litigation team representing the City of Bakersfield in return to writ proceedings, which resulted in the Superior Court dissolving the writ of mandate and injunction in October 2016, and a judgment in favor of the City. Assisted litigation team in successful representation of City in writ proceeding initiated by Court of Appeal opponent seeking to enjoin project construction, resulting in the Court of Appeal denying the writ. The California Supreme Court denied review on February 6, 2017.

Amicus Curiae Brief in *Center for Biological Diversity v. California Department of Fish and Wildlife*, S217763. Drafted amicus curiae brief on behalf of transportation and water agencies regarding greenhouse gas emissions analysis compliance under the California Environmental Quality Act and incidental take of species protected under multiple California laws and the Endangered Species Act.

Bald and Golden Eagle Act Litigation. Drafted complaint on behalf of a wind and solar energy group challenging the U.S. Fish and Wildlife Service's incidental take permitting program for Bald and Golden Eagles under the Bald and Golden Eagle Protection Act and Administrative Procedures Act.

Coalition for a Sustainable Delta. Collaborate with client team to develop a strategy to address significant contributors to ecosystem decline in the Sacramento-San Joaquin Bay-Delta. Assist client with implementation of strategy through regulatory and legal proceedings.

INSIGHTS

SPEAKING ENGAGEMENTS

- Speaker, "The New NEPA Regulations: A Practical Guide to What You Need to Know," Nossaman Webinar, 12.10.2020
- Speaker, "WOTS Next? An Update on the Clean Water Act and Regulation of Waters of the State & Waters of the U.S.," Nossaman's 2020 Water Webinar Series, 07.16.2020
- Speaker, "Endangered Species Act: New and Notable Developments from the Past 12 Months," Nossaman's 2019 California Land Use Seminar, Costa Mesa, CA, 05.21.2019

PUBLICATIONS

- Co-Author, "NEPA Rules Rewrite: What Else Do You Need to Know?," *Nossaman eAlert*, 09.01.2020
- Co-Author, "NEPA Rules Rewrite: Initiation of the Environmental Impact Statement Process," *Nossaman eAlert*, 08.06.2020
- Co-Author, "General Plan Environmental Justice Guidelines: Do They Apply To You?," *Nossaman eAlert*, 07.07.2020
- Author, "*Tiger King* Shines Light on an Endangered Species Act Quirk," *Law360*, 04.29.2020
- Co-Author, "Redefining Navigable Waters: The Next Frontier of the WOTUS Saga," *Nossaman eAlert*, 04.24.2020
- Co-Author, "Stay Orders, Noticed Motions, and Alternative Writs," *CEB 2019 California Administrative Mandamus*, 2019
- Co-Author, "U.S. EPA & Army Corps of Engineers Propose Revamp of "Waters of the United States"," *Nossaman eAlert*, 12.18.2018
- Co-Author, "Changes on the Horizon for U.S. Fish & Wildlife Service's Regulations on Take of Threatened Species," *Nossaman eAlert*, 04.09.2018

Co-Author, "California Court Complicates Environmental Baseline Determinations, *Lawson Rock & Oil v. State Air Resources Board*," *The Natural Lawyer*, 04.2018

Co-Author, "Ninth Circuit Rejects Challenges to Arizona Highway Project," *Nossaman eAlert*, 12.11.2017

Co-Author, "Federal Appeals Court Keeps Western Great Lakes Grey Wolf Listed as Threatened: *Humane Society of the U.S. v. Zinke*," *The Natural Lawyer*, 10.2017

Author, "NEPA Recent Case Law Developments," *CLE International Annual NEPA Conference*, 05.08.2017

Author, "Comprehensive Mitigation Guidance," *Transportation Research Board Committee on Environmental Issues in Transportation: The Natural Lawyer*, 01.2017

Co-Author, "Debunking the Delisting Myths: What's Working and What Isn't," *American Bar Association Special Committee for Young Lawyers Newsletter*, 08.01.2016

Co-Author, "Endangered Species Act Section 6: An Exercise in Federalism and State Cooperation," *American Bar Association Section of Environment, Energy and Resources 45th Spring Conference*, 03.30.2016

COMMUNITY & PROFESSIONAL

Women in Transportation Seminar – Orange County Chapter, Diversity Chair, Scholarship Committee Member
American Bar Association, Member
California Bar Association, Member
Orange County Bar Association, Member

PRACTICES

Environment & Land Use
Coastal Development
Litigation

EDUCATION

University of Washington School of Law, J.D., 2014, *Washington Journal of Environmental Law & Policy*, Managing Editor
Boston University, M.A., 2010 | B.A., 2010

LANGUAGES

French

ADMISSIONS

California
U.S. Court of Appeals, Ninth Circuit
U.S. District Court, Central District of California
U.S. District Court, Northern District of California
U.S. District Court, Southern District of California