

# Environmental & Land Use Law

Engaging Students in their Communities

*A curriculum for teachers and visiting attorneys*

Grades 9-12



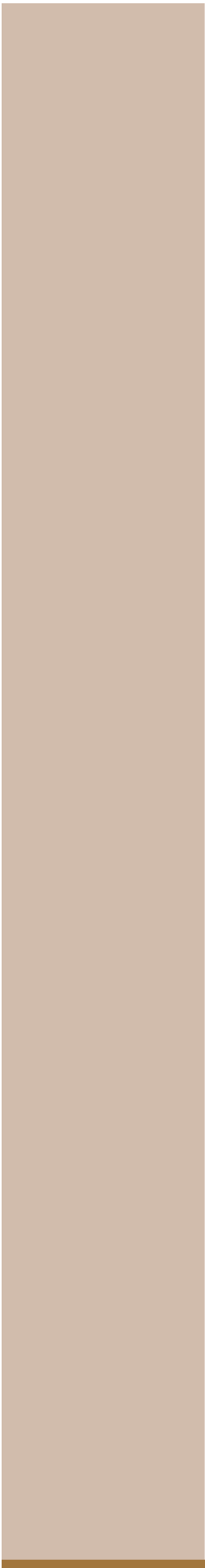
Environmental and Land Use Law Section  
of the Washington State Bar Association

October 2004

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# About the WSBA

## Environmental & Land Use Law Curriculum

### About the Washington State Bar Association (WSBA)

The WSBA is an administrative arm of the Washington State Supreme Court. It administers the admissions, licensing and discipline functions for the lawyers in Washington. In addition, the WSBA provides many services to its 27,000-plus members. The general WSBA website is located at <http://www.wsba.org>.

The **WSBA Environmental & Land Use Law Section (ELUL)** assists members in keeping abreast with this rapidly developing area of law by giving its members the opportunity to meet, exchange ideas with, and learn from others who practice in the field through various forums. The ELUL Section website is located at <http://www.wsba.org/lawyers/groups/elul/default1.htm>.

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# Preface

## Environmental & Land Use Law Curriculum

Welcome. This curriculum is designed to be used in partnership by high school teachers (Grades 9-12) and/or lawyers who are planning to visit a high school class. This curriculum is made up of four lesson plans with associated student handouts, a Power Point presentation, a student handout on Careers in Law, and suggested extension activities. The lesson plans can be used individually by teachers and/or visiting lawyers, or can be used together to create a comprehensive unit on environmental and land use law. Extension activities are provided to give further ideas on how to incorporate the study of environmental and land use law into the high school classroom.

The Environmental and Land Use Law Section of the Washington State Bar Association developed this curriculum as an educational resource for teachers and/or lawyers who visit high school classrooms as part of Law Day, Law Week or for other activities. Visiting lawyers are encouraged to use this curriculum in partnership with the classroom teacher, so that together you can develop a presentation that fits within the context of the classroom curriculum. Today's teachers must choose lessons that are aligned with the Washington State Essential Academic Learning Standards, a set of standards for each subject matter that provides information on what students must learn and be capable of demonstrating at different grade level benchmarks. The lesson plans in this curriculum are aligned with learning standards in Civics, Economics, Geography, Social Study Skills and Communication and are appropriate for teachers of civics, government, environmental science, business, law and other subject areas.

If you are a **lawyer**, you will find the **Lawyer Introduction** helpful in exploring how to use this curriculum. It can be found on page 4.

If you are a **teacher**, you will find the **Teacher Introduction** helpful. The Teacher Introduction includes a list of Internet resources that may be helpful to you, or your highly interested students, in exploring other opportunities for integrating environmental and land use law into your classroom curriculum. It can be found on page 6.

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# Lawyer Introduction

## Environmental & Land Use Law Curriculum

This curriculum is designed to provide attorneys with teaching materials to use when visiting high school classrooms for Law Week or other events. This curriculum includes four lesson plans and supporting materials. You and the classroom teacher may decide to do any combination of these, depending on time and the students' interest levels. In particular, **Lesson Plan #1** and **Lesson Plan #4** will benefit most from the expertise you can provide in environmental and land use law. The curriculum components are described below.

### Teacher Introduction

Arrange to give the Teacher Introduction to the cooperating teacher before your presentation. The Teacher Introduction will demonstrate how your presentation will fit into the teacher's existing curriculum, as well as giving the teacher ideas and resources on how to extend his or her students' study of environmental and land use law.

### Student Handout: Careers in Law

This handout provides students with information about careers in law.

### Lesson Plan #1: Law & the Environment\*

This lesson plan includes a land use scenario activity and a Power Point presentation that provides students with an introduction to environmental and land use laws. This is an excellent lesson for you to present during a classroom presentation, as you can bolster the activity ideas with your own experiences in environmental and land use law. This lesson plan can be presented all at once, or can be broken up into two class periods, depending on how much time you have in the classroom. The Power Point presentation has been designed so that it is easy for you to customize. You may want to add or remove slides, add graphics, or create a focus on issues specific to your community or your speciality.

*Estimated time: 60-90 minutes*

### Lesson Plan #2: Land Use Dilemma

This lesson engages students in a simulation game about land uses, law and the decision-making process. Depending on your time and interest, you or the classroom teacher can present this lesson plan.

*Estimated time: 60 minutes*

### Lesson Plan #3: Create Your Own Scenario

Similarly, this lesson plan can be presented by either you or the classroom teacher. This lesson plan is an optional follow-up to Lesson Plan #2 and is best suited to students that demonstrate a high interest in environmental and land use law.

*Estimated time: 60 minutes*

### Lesson Plan #4: The Court Appeal\*

This is an excellent follow-up lesson for you to present, if you have the opportunity to return to a classroom for a second presentation. This lesson guides students through the process of a court appeal.

*Estimated time: 60 minutes*

*\*Lessons that are specially recommended for visiting lawyers.*

*Mix and match the activities to create a presentation that best fits your interests and appeals to the students.*



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## Questions to ask the teacher when preparing your presentation

- How does the topic of environmental/land use law fit with the classroom curriculum?
  - Why do you think it will be valuable for me to make a presentation to your students?
  - What can I expect the students to already know about environmental/land use law?
  - How much time will I have for the presentation?
  - What grade level(s) are the students? How many students are in the class?
  - What equipment will be available for me (projector, screen, white board, etc.)?
  - Is there anything in particular I need to know about any of the students (special needs, limited English speakers, etc.)?
  - Can you have the students prepare questions ahead of time to facilitate discussion?
- 

## Tips for teaching high school students

- Try not to talk too much – especially at the beginning of your presentation.
  - Let the students do most of the talking – you are a facilitator, not a lecturer.
  - The students will learn more if they are actively engaged.
  - Talk to the students like adults; avoid talking down to them.
  - It is okay to say, “I don’t know.”
  - Have fun! If you do, the students will too.
- 

## Resources for your Classroom Visit

### King County Bar Association Young Lawyers Division

You can order free copies of "On Your Own," a legal resource booklet for high school juniors and seniors, if you are participating in Law Week.

<http://www.wsba.org/media/publications/lawweek/howtoorder.htm>

### Washington State Bar Association

You can order copies of the brochure, "Attending Law School."

<http://www.wsba.org/media/publications/pamphlets/law-school.htm>

### American Bar Association

The ABA offers two brochures to share with students: "Legal Careers" and "A Life in Law." You can also order publications to help you with your classroom presentation skills: "Lawyers in the Classroom" and "Sure-Fire Presentations."

[http://www.abanet.org/publiced/lawday/store\\_school.html](http://www.abanet.org/publiced/lawday/store_school.html)

*It is important to consult with the classroom teacher before your presentation.*

# Teacher Introduction

## Environmental & Land Use Law Curriculum

The Environmental and Land Use Law Section of the Washington State Bar Association commends you on your interest in integrating the study of law into your classroom. These activities are designed for you to pick and choose what you want to present and how you want to present them. You may use these materials with a visiting attorney, or use them to develop a week-long unit. Extension activities are provided to give you further ideas on how to expand your exploration of this topic. Lesson Plans #1 and #4 offer particularly good opportunities to have a visiting lawyer share his or her experiences with your students.

### **Student Handout: Careers in Law**

**Overview:** This handout provides students with information about careers in law.

### **Lesson Plan #1: Law and the Environment\***

**Overview:** Through a Power Point presentation and an interactive scenario discussion, students will be introduced to environmental and land use laws.

**Learning Objectives:** Student will become familiar with local, state and federal environmental and land use laws. They will recognize how these laws affect property development, land use patterns and environmental values.

*Estimated time: 60-90 minutes*

### **Lesson Plan #2: Land Use Dilemma**

**Overview:** This activity introduces students to the complexities of environmental and land use law, through a simulation game focused on a hypothetical development scenario set in a fictional community.

**Learning Objectives:** Students will gain an understanding of land use designations and the laws that establish them. They will be able to identify and analyze different viewpoints about a land use issue, and will understand how opposing interests might affect a decision.

*Estimated time: 60 minutes*

### **Lesson Plan #3: Create Your Own Scenario**

**Lesson Overview:** Using newspaper articles, students create a land use scenario based on a local development issue. Students also design a format for a simulation game where the scenario can be deliberated and a land use decision can be made

**Learning Objectives:** Students will gain an awareness of land use issues in their own community. They will recognize the complex interactions involved in land use decisions.

*Estimated time: 60 minutes*

### **Lesson Plan #4: The Court Appeal\***

**Lesson Overview:** While considering the development scenario from Lesson Plan #1, students experience the process of a court appeal, including analyzing and planning for a case.

**Learning Objectives:** Students will identify and describe arguments favoring their position and advocating for a particular court decision.

*Estimated time: 60 minutes*

*\*Lessons that are specially recommended for visiting lawyers.*

*There are many topics with which the study of environmental and land use law can be integrated.*



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## Learning Standards

This curriculum is aligned with the Washington State Essential Academic Learning Requirements and the Washington State Framework for Social Studies Education.

### Washington State Essential Academic Learning Requirements (EALRs):

Civics 1.2, 2.2 and 4.1; Economics 1.1, 1.2, 1.3 and 3.1; Geography 2.2, 3.1 and 3.2; Social Study Skills 2.1 and 3.1; Communication 2.1, 2.5 and 3.2.

### Goals of the Washington State Framework for Social Studies Education

- **Civic Responsibility:** To help students become active, engaged participants in our democracy.
- **Historical Understanding:** To help students become aware of the impact of history on the world around them.
- **Geographic Understanding:** To help students become aware of humans' impact on their environments and how geography impacts how we live.
- **Economic Understanding:** To help students realize how decisions about scarce resources are made.

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## Extension Activities

**Additional lesson plans and teaching resources are available from the Washington State Bar Association. Ask your visiting attorney about these resources.**

- Ask the students to write a paper that analyzes the decision made by the City Council members in **Lesson Plan #2**. The students should consider the pros and cons of the decision. Also, students may suggest recommendations for improving the proposed project and how the law was applied to the facts.
- Encourage students to think of some environmental values that deserve protection or environmental problems that deserve attention in their own community. Then, ask students to think of environmental laws that would address these community concerns. Students can present their proposed laws in a variety of ways, including a letter to the editor of the school or community newspaper, or a presentation to the City Council.
- Students can examine land use maps for their own community, learning about zoning issues, development patterns and the geography of their community. Land use maps are available from your city planning office.
- Discuss the reasons why public hearings are important in a democratic society. Ask students to collect public hearing notices from the newspaper. If possible, take your students to an actual City Council meeting or public hearing focused on a land use issue.
- Look around your community for land use notices posted where new projects have been proposed. Choose one or two of these projects and have the class research them.
- Collect newspaper articles about environmental and land use issues in your own community. You can use these articles for **Lesson Plan #3**, or create a classroom scrapbook or bulletin board that tracks local issues.

*The extension activities provide opportunities to explore this topic in depth.*

- Examine how environmental factors can affect human health by watching popular films. These films illustrate the importance of environmental laws to protect human health. The films also provide an opportunity to discuss the legal, ethical and social implications of environmental issues.

- *The Day After Tomorrow*. Twentieth Century Fox, 2004. Rated PG-13.
- *Erin Brockovich*. Universal Pictures, 2000. Rated R.
- *A Civil Action*. Touchstone Pictures, 1998. Rated PG-13.
- *The China Syndrome*. ICF Films, 1979. Rated PG.

- Introduce students to the process of researching and writing an Environmental Impact Statement. Choose a local development issue or create a fictional scenario. For example, the construction of a ski resort on U.S. Forest Service land. What are all of the issues that would need to be researched and analyzed? Some possibilities may include impacts caused by traffic, logging, erosion, noise, road construction, parking lots, light pollution, air pollution from wood burning stoves, elimination of animal and plant habitat, and more. How are recreational benefits balanced against environmental impacts?

- Create a culminating project for your students' study of environmental and land use law. The project could include a focus on civic involvement in the local community.

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## Resources on Environmental and Land Use Law

### Government Agencies

#### **Washington State Government Information and Services**

<http://access.wa.gov>

#### **Washington State Department of Ecology**

Includes an index of Washington environmental laws and regulations.

<http://www.ecy.wa.gov>

#### **U.S. Army Corps of Engineers, Seattle District**

Includes regulatory/permit program regarding wetlands regulations, Nationwide Permits, and other aspects of Clean Water Act implementation.

<http://www.nws.usace.army.mil>

#### **NOAA Fisheries – National Marine Fisheries Service**

Includes links to major federal environmental laws regarding fish habitat.

<http://www.nmfs.noaa.gov>

#### **U.S. Fish and Wildlife Service**

Includes links to digest of wildlife laws, federal executive orders and endangered species permit provisions.

<http://www.fws.gov>

#### **U.S. Environmental Protection Agency**

Includes links to legislation, permit information, teacher resources and more.

<http://www.epa.gov>

*The visiting lawyer may be able to provide you with ideas of current environmental and land use issues in your community.*

## Curriculum Resources

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### Washington State Bar Association Law Week Lesson Plans

<http://www.wsba.org/media/publications/lawweek/highschool.htm>

### Kids Neighborhood Workshop

<http://www.kidsplan.com>

<http://www.ci.rancho-cucamonga.ca.us/planning/kidsplan.htm>

### This Land is Your Land

<http://web4msue.msu.edu/msuewc/kent/yourland>

### University of Washington's StreetLaw Program

<http://www.law.washington.edu/streetlaw/lessons.html>

### kidLAW® Mock Trials

<http://www.kidlawtrials.com>

### Project WILD

Look for the lesson plans listed under the Land Use category.

<http://www.projectwild.org/>

### WOW! The Wonders of Wetlands

Look for the lesson plan: "Hear Ye! Hear Ye!"

<http://www.wetland.org>

### The Center for Understanding the Built Environment (CUBE)

<http://www.cubekc.org>

### National Geographic Xpeditions

Look for the following lesson plans: "Public Lands: Preserve or Develop?" "Explore the Spatial Patterns of your Hometown," "Design your Own Suburbs," "Planning a New Town," "What To Do About Sprawl," "Sprawl: The National and Local Situation."

<http://www.nationalgeographic.com/xpeditions/lessons/>

### American Bar Association Law Day

Resources, lesson plans and publications.

<http://www.abanet.org/publiced/lawday/>

### Washington State Council on Public Legal Education

Offers resources for K-12 teachers, including a quarterly e-newsletter.

<http://www.plecouncil.org/>

### Project Greenskate Web Module

A web-based curriculum from the University of Washington Center for Ecogenetics and Environmental Health that involves students in investigating the hypothetical development of a city park on a former industrial site contaminated with pollutants.

<http://depts.washington.edu/ceeh/Outreach/k12.html>

### The Quicksilver Question Web Module

A web-based curriculum from the University of Washington that engages students in investigating a gold mining town for possible sources of mercury contamination.

<http://www.iehmsp.com>

*These resources provide opportunities to further investigate this topic.*

## **Law Resources**

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### **Washington State Bar Association**

<http://www.wsba.org>

### **StreetLaw Resources**

<http://www.streetlaw.com/>

### **EPA Major Environmental Laws**

<http://www.epa.gov/region5/defs/>

### **Washington State Law Library**

<http://www.courts.wa.gov/library/>

### **Washington State Courts Education**

<http://www.courts.wa.gov/education/>

### **Reclaiming the Commons**

The report, "The State of the Commons 2003-04: A Report to Owners," provides an introduction to the law of the commons and how commonly held assets are currently being managed. The article illustrates why environmental and land use laws are important.

<http://www.friendsofthecommons.org>

*These resources provide opportunities to further investigate this topic.*

## **Land Use & Planning**

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### **Purdue University Extension Land Use Team Work**

Excellent publications related to land use planning, including "Public Hearings: A Citizen's Guide," "The Rural/Urban Conflict," "Planning and Zoning Glossary," and "Citizen's Participation in Land Use Planning."

<http://www.ces.purdue.edu/anr/landuse/landuse2/pubs.html>

### **EPA's Window to My Environment**

A variety of programs and tools that provide national, state and local information about environmental conditions and land uses.

<http://www.epa.gov/highschool/neighborhood.htm>

### **Municipal Research & Service Center of Washington**

Links to RCW statutes, WAC regulations and city and county codes. Also local government news and information.

<http://www.mrsc.org>

### **Washington Cities Directory**

Use this directory to find the website for your local city or town, where you may be able to locate planning, zoning and land use information.

<http://mrsc.org/byndmrsc/cities.aspx>



# Student Handout: Careers in Law

## Environmental & Land Use Law Curriculum

### What is the Role of a Lawyer?

People trained in law do a variety of jobs. Lawyers can specialize in a variety of legal issues, such as environmental, land use, real estate, family or criminal law.

Lawyers act as both advisor and advocate for the people or organizations they represent. Depending on the situation, a lawyer may:

- Provide counseling, mediation and negotiation
- Research legal issues and laws
- Inform their clients about legal consequences of an action
- Draft contracts and important documents
- Represent a client in court or negotiate a settlement outside of court
- Represent a client in an appeal process
- Help draft, revise, interpret or regulate laws
- Teach students to become lawyers

*There are many career opportunities for people trained in law.*

### What are Some Careers in Law?

- Lawyer for a private practice
- Lawyer for a government agency
- Lawyer for a non-profit organization
- Lawyer for a Tribal group
- Judge
- Hearings examiner
- Professor of law
- Legislative analyst
- Land use planner
- Legal affairs reporter
- Legal assistant or paralegal
- Court reporter
- City Council member
- Mediator
- Corporate executive (CEO)
- Politician
- Expert witness
- Policy analyst

### What Skills Do I Need for a Career in Law?

Each career requires specific skills. In general, the following skills are valuable for a career in law:

- Relate well with people
- Excellent written and oral communication skills
- Ability to think logically
- Ability to meet strict deadlines
- Good vocabulary
- Ability to work under pressure
- Ability to maintain confidentiality
- Good listening skills



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## What Steps Can I Take Toward a Career in Law?

If you are interested in a career in law, you will want to plan on attending a four-year college or university. College is a good time to start planning for a career in law. Some students pursue undergraduate degrees in pre-law, political science or journalism to prepare for law school. However, law firms and law schools may also be attracted to students with a background in science, engineering, technology, art or other fields. Your undergraduate degree may provide you with an understanding of a particular area of law which you may go on to practice.

After receiving your Bachelor's degree, you will need to attend a law school. Most law school programs will take about three years to complete. If you plan on becoming a practicing lawyer, you will then need to pass the state bar exam in order to obtain a license to practice law. There are three schools in Washington that provide programs in law:

- **Seattle University School of Law**  
<http://www.law.seattleu.edu>
- **Gonzaga University School of Law**  
<http://www.law.gonzaga.edu>
- **University of Washington School of Law**  
<http://www.law.washington.edu>

## Where Can I Go for More Information?

The **American Bar Association** has career resources on its website, as well as two brochures on legal careers.

<http://www.abanet.org>

The **Washington State Bar Association** has a legal resource booklet for high school students. You can download it for free.

<http://www.wsba.org/media/publications/lawweek/howtoorder.htm>

The “Attending Law School” brochure from the **Washington State Bar Association** will help answer your questions about law school.

<http://www.wsba.org/media/publications/pamphlets/law-school.htm>

The **Youth Pages of the Department of Justice** provide resources about our legal system.

<http://www.usdoj.gov/kidspage/youth.htm>

**StreetLaw** provides information on careers related to law and justice.

<http://www.streetlaw.com/>

*Many careers in law will require a degree from a law school.*

# Lesson Plan #1: Law and the Environment

## Environmental & Land Use Law Curriculum

**An introduction to environmental and land use laws, and how they relate to your community.**

**Lesson Overview:** The student will be presented with a substantive overview of local, state, and federal environmental and land use laws, and how they affect property development, land use patterns and environmental values.

**Curriculum Connections:** Social studies, civics, current events, ethics, environmental science, government and leadership.

**Objective:** Students will identify and describe major federal, state and local environmental and land use laws. Students will recognize the role that environmental and land use laws play in society. Students will understand the complexities involved in land use planning and decision-making.

**Estimated Time:** 60 to 90 minutes.

**Class Size:** Up to 30 students.

**EALRS:** This activity is aligned with the Washington State Essential Academic Learning Requirements (EALRs) in the following areas:

- Understand the function and effect of law. (Civics 2.2).
- Understand individual rights and their accompanying responsibilities including problem-solving and decision-making at the local, state, national and international level. (Civics 4.1).
- Explain how various stakeholders influence public policy. (Civics 4.3).
- Analyze the role of government as participant in an economy through taxation, spending, and policy setting. (Economics 3.1).
- Identify and examine people's interaction with and impact on the environment. (Geography 3.1).
- Understand and use interpersonal and group process skills required by citizens in a democratic society. (Social Study Skills 2.1).
- Understand and apply critical thinking and problem-solving skills to make informed and reasoned decisions. (Social Study Skills 3.1).
- Communicate clearly to a range of audiences for different purposes. (Communication 2.1).
- Effectively use action, sound and/or images to support presentations. (Communication 2.5).
- Work cooperatively as a member of a group. (Communication 3.2).

*This activity can be split into two class periods.*



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Choose one of the land use scenarios depending on what you think will be of interest to the students.

## Materials:

- One copy of **Student Handout 1.1A** or **1.1B** for each student
- One copy of **Student Handout 1.2** for each student
- One copy of **Student Handout 1.3A** or **1.3B** for each group
- Power Point presentation
- Projector
- Computer

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## Preparation:

- **Prior to the school visit:** Call the teacher and have a conversation about the class format and structure, any other special “heads ups.” Ask the teacher to have students write down questions prior to your visit, so that you know what they are most interested in learning about. Choose one of the land use scenarios and forward all handouts to the teacher for copying.
- Gather the materials needed for the activity. You will need to make photocopies of the **Student Handouts** if you have not arranged for the teacher to do so.
- You will also need to download the Power Point presentation from the WSBA website. Customize this website by adding or deleting text, inserting photographs or graphics, and focusing on your own experiences.

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## Procedure:

- Introduce yourself, by briefly telling about your background.
- Ask the students to think about what steps would they take if they wanted to build a

skateboard park in their community? As an alternative, you can ask what steps would they take if they wanted to extend the student parking lot at school?

- Break the class into small groups with no more than four or five students per group. A good way to do this is to ask students to count off by the number of groups you want. Then, ask the students to find their group members and to arrange their chairs into groups.

- Assign each group one of the following categories: **The Students**, **The School Administration**, and **The Community**.

- Distribute **Student Handout 1.1A** or **1.1B**, one per student, according to which scenario you have chosen to present.

- Ask each group to work together to list what they would do to accomplish the task (developing a skateboard park or parking lot).

- Allow students about 10 minutes to list the steps they would take on the handout. They should work together in their small groups.

- When about 10 minutes have passed, ask the students to stop working. Tell them that you will now provide them with an overview of environmental and land use laws. After the presentation, everyone will get a chance to review their planning steps for the development scenario.

- Distribute **Student Handout 1.2**, one for each student. Encourage students to use their handout to follow along with the presentation.

*You can customize the Power Point presentation by adding graphics, photographs, and adding or deleting slides.*

- Show the Power Point presentation that complements the handout. Add comments based on your own experiences. Sharing personal stories will help bring the presentation to life. Answer questions as they arise, and allow some time for additional questions after the presentation.
  - Have the students return to their small groups. Distribute **Student Handout 1.3A** or **1.3B** with the appropriate scenario to the small groups, one per group.
  - Challenge the students to use the information they learned from the Power Point presentation, as well as the information presented on the **Student Handout 1.2**, to analyze the situation anew. The students should make changes to their approach based on the new information from the presentation.
- 

### Evaluation:

- Have each group present the steps they would take to accomplish the task. Ask each group to appoint one spokesperson to describe their planning steps.
- Alternatively, ask each group to partner up with another group. Together, each larger group is challenged to discuss their planning steps and reach consensus on how to proceed with the project.
- As an optional homework assignment, ask students to write short letters to the editor expressing their view on this development scenario.
- Review the scenario with the students adding comments from your own experiences.
- With the time remaining, discuss opportunities for careers in environmental law.

*Emphasize the function and effect of environmental and land use laws.*

# Student Handout 1.1A: Planning a Skateboard Park

## Environmental & Land Use Law Curriculum

**Who do you represent:** (circle one)

The Students

The School Administration

The Community

**Scenario:** A group of students has proposed building a skateboard park on a piece of property owned by the local school district. The property is sometimes under water in winter, and is adjacent to single-family residences.

**Challenge:**

- Can you think of potential environmental and land use impacts from this project?
  - Can you think of any environmental or land use laws that exist or should be created to address those impacts?
  - What obstacles would you face with this project and how would you overcome them?
  - List 5-10 steps that you would take to accomplish this project. Number the steps in the order that you would follow.
- 

*You have 10 minutes to work on this in small groups.*



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# Student Handout 1.1B: Planning a Parking Lot

## Environmental & Land Use Law Curriculum

**Who do you represent:** (circle one)

The Students

The School Administration

The Community

**Scenario:** A group of students has proposed expanding the student parking lot at the local high school onto property owned by the school district. The property is sometimes under water in winter, and is adjacent to single-family residences.

**Challenge:**

- Can you think of potential environmental and land use impacts from this project?
  - Can you think of any environmental or land use laws that exist or should be created to address those impacts?
  - What obstacles would you face with this project and how would you overcome them?
  - List 5-10 steps you would take to accomplish this project. Number the steps in the order that you would follow.
- 

*You have 10 minutes to work on this in small groups.*



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# Student Handout 1.2: Focus on the Law

## Environmental & Land Use Law Curriculum

### The Expectations

Environmental law has no single definition. It is a catchall to describe a wide range of laws and actions. Issues in environmental and land use law range from building permits and zoning, to cleaning up pollution and protecting species and their habitat. Environmental laws involve regulations from many government agencies that work together to protect both the human and environmental communities.

Environmental and land use laws come from federal, state, local and Tribal statutes, rules, regulations, codes and judicial decisions.

---

### Summary of Major Environmental Laws

Many laws are implemented by multiple agencies at the federal, state, local and Tribal levels. Many federal and state laws parallel each other, but provide specific provisions for the region.

#### Federal Environmental Laws

**Clean Air Act:** The CAA protects the nation's air. It sets standards for pollutant levels and regulates sources of pollution.

**Clean Water Act:** The CWA protects the nation's water. It sets standards for pollutant levels in water bodies. It also issues permits for the discharge of pollutants into water bodies. In addition, it authorizes the Army Corps of Engineers to issue permits for developers wanting to build on wetlands.

**Endangered Species Act:** The ESA is designed to conserve threatened and endangered animal and plant species. It is unlawful to "take" a listed species, which includes killing, harassing or harming the species or the habitat on which it depends.

**National Environmental Policy Act:** NEPA requires that actions by the federal government, or actions that are federally approved, be made with consideration of the impact to the environment. Project proposals must disclose significant environmental impacts in the form of an Environmental Impact Statement. The review process must consider alternatives to the project, including a "no-action" alternative.

**CERCLA/Superfund:** The Comprehensive Environmental Response, Compensation and Liability Act, commonly known as Superfund, sets up a process to identify, investigate and clean up the nation's most toxic sites. It imposes liability for clean up costs on current and prior owners and operators, generators and transporters of the hazardous substances. The Act created the National Priorities List, a list of the nation's most toxic sites needing to be cleaned up.



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## Washington State Environmental Laws

**Growth Management Act:** The GMA is designed to control uncoordinated and unplanned growth. Some of its goals include reducing urban sprawl, preserving rural lands and planning for future growth. The GMA requires certain cities and counties to create plans that include the following elements: land use, housing, capital facilities, utilities, transportation, and for counties, a rural element. It also requires the protection of sensitive areas including wetlands, fish and wildlife habitat, and landslide prone areas.

**Model Toxics Control Act:** Like the Superfund Law, the MTCA sets up a process to identify, investigate and cleanup contaminated properties that pose a threat to human health and/or the environment.

**State Environmental Policy Act:** SEPA is the state equivalent of the NEPA. The SEPA provides a process for identifying environmental impacts that may result from government actions, including issuing permits for private projects.

**Shoreline Management Act:** The SMA regulates any development near bodies of water.

**Water Codes:** The Codes regulate who can use water for various purposes, such as drinking water, irrigation, hydropower production and fisheries.

**Forest Practices Act:** A law to protect natural resources while assuring continued timber production.

*Can you think of a land use issue in your own community?*

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### Tribal Issues

Treaties between the U.S. government and Native American Indian tribes that guarantee the right to hunt and fish in usual and accustomed sites at the time that the treaties were signed.

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### Some Environmental and Land Use Issues

**Spotted Owl:** The Northern spotted owl is an endangered species that is dependent on old-growth tree stands. In the early 1990s a forest plan was developed to protect remaining owls. This action closed some stands of trees to logging. When a site is slated to be logged, biologists must conduct a site inventory to determine if any endangered species rely on the land for their habitat. If an endangered plant or animal is found, then the practices on the land must follow the Endangered Species Act by not harming the listed plant or animal species.

**Duwamish River:** An urban river in Seattle that is also an industrial waterway. The Environmental Protection Agency has listed it as a Superfund cleanup site.

**Discovery Park in Seattle:** A former Naval base that could become luxury homes or an open space park. Citizens have diverse opinions about its potential use.

**Columbia River:** Some farmland areas are dependent on irrigation water and power from the Columbia River. This water is habitat for salmon. The salmon also encounter obstacles such as dams for power and water diversion installations.

**Growth management rules:** Some county commissioners have viewed growth management as a local issue, not a state one. They have expressed concerns about state law requirements that counties prepare a comprehensive plan on the state's timeline.

**Trail on former railroad right-of-ways:** The development of community use trails for biking or walking on former railroad beds is a concern to neighbors who object to people in their "backyards."

**Development of skateboard parks:** More and more youth groups have begun working with local governments to design, fund, and build parks for skateboarding. Local residents are concerned about the impact on their neighborhood.

**Brownfields:** Industrial sites with contaminated soils that are targeted for expansion, re-development or reuse are known as Brownfields. These industrial sites often have the presence of a hazardous substance, pollutant or contaminant. The Brownfields Revitalization Act (2002) provides tools for the public and private sector to promote sustainable Brownfields cleanup and reuse.

**Orchards:** Between 1905 and 1947, pear and apple orchards in Central and Eastern Washington were treated with a lead arsenate pesticide. Lead and arsenic are toxic heavy metals that continue to exist in orchard soils. Recently, some orchard properties are being converted into housing developments, schools and parks. The contaminants in the soil can be a threat to human health, especially to children.

**Hazardous waste remediation:** When a Superfund or other hazardous waste site is designated for clean-up, there are usually many clean-up alternatives to choose from, including the removal, transportation and storage of hazardous waste materials. The multiple impacts of the alternatives must be carefully analyzed.

**Condemnation:** The government acquisition of private lands for public purposes is called "condemnation" or a "taking." Takings can occur as a result of federal, state or local government actions or regulations. One example is the private property that was acquired under condemnation for the construction of the Interstate freeway I-5 through Washington State. Condemnation is sometimes referred to as "eminent domain."

*What environmental and land use laws might apply to these different issues?*

# Student Handout 1.3A: Planning a Skateboard Park

## Environmental & Land Use Law Curriculum

### The Students

A number of students in the local high school enjoy skateboarding but find that more and more local businesses post rules against using their parking lots and sidewalks. The school has a similar policy.

After many informal discussions, five students decide to take action and petition the Student Council for support in building a skateboard park on school district property.

The Student Council agrees to the request and creates a budget line for the project but allocates only \$1,000.

The students ask to be placed on the agenda of the School Board meeting to discuss their idea. With the support of the Principal, they propose that three-quarters of the construction cost be placed on the upcoming bond issue for athletic facilities remodel. The Board agrees, provided the students help to promote the bond election.

The students meet with City building officials to discuss the project. The City requires SEPA environmental impact documents be prepared and proper permits be obtained, since the project will be on public property shared by the City and school district.

*Work on this handout in your small groups.*

---

### The School Administration

The Principal sees that this project might unite the students behind a common cause and supports the action of the Student Council.

The Principal meets with the Superintendent and seeks support for the idea.

The Superintendent places the skateboard park concept on the agenda for the next School Board meeting after the students request an audience.

After Board approval, the architect for the athletic remodel designs the additional skateboard facility. The estimated cost is an additional \$70,000 for construction and \$10,000 for fees, permits and engineering expenses. Estimated time for the project completion is two years after the bond vote passes.

The School Board asks the students to prepare the SEPA environmental impact documents and any other paperwork to apply for permits.

The Superintendent asks for the fundraising plan for the \$20,000 that the students must provide.



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## The Community

A public hearing on the addition of the skateboard park to the school master plan is held at City Hall. During the discussion, the officials discover that the proposed site for the park is on land that is sometimes under water during the winter.

The approval process for the site of the park may require the enhancement of wetlands on an adjoining piece of City land.

During the public hearing, several residents spoke about their fears that a skateboard park would lead to problems with traffic, noise and lighting.

The City Council asked the students and school officials to meet to discuss the residents' concerns and report back at the next City Council meeting.

---

## Your Development Plan

Use this space to write down your ideas for this project, based on the information presented in this handout.

- **What legal issues might you encounter with this project?**
- **What environmental and land use laws may apply to this project?**
- **Who in the community might support the project? Who might oppose it?**

*How are legal, ethical, political, economic, and environmental issues involved in this land use decision?*

# Student Handout 1.3B: Planning a Parking Lot

## Environmental & Land Use Law Curriculum

### The Students

A number of students in the local high school are frustrated by their inability to find parking places in the school lot. They decide that the parking lot should be expanded on school property.

After many informal discussions, five students decide to take action and petition the Student Council for support.

The Student Council agrees to the request and creates a budget line for the project, but allocates only \$500.

The students ask to be placed on the agenda of the School Board to discuss their idea. With the support of the Principal, they propose that three-quarters of the construction cost be placed on the upcoming bond issue for facilities remodel. The Board agrees, provided the students help to promote the bond election.

The students meet with City building officials to discuss the project. The City requires that SEPA environmental impact documents be prepared and proper permits be obtained, since the project will be on public property shared by the City and school district.

*Work on this  
handout in your  
small groups.*

---

### The School Administration

The Principal sees that this project might unite the students behind a common cause and supports the action of the Student Council.

The Principal meets with the Superintendent and seeks support for the idea.

The Superintendent places the enlarged parking lot concept on the agenda for the next School Board meeting after the students request an audience.

After Board approval, the architect for the facilities remodel designs the additional parking lot. The estimated cost is an additional \$25,000 for construction and \$5,000 for fees, permits and engineering expenses. Estimated time for the project completion is one year after the bond vote passes.

The School Board asks the students to prepare the SEPA environmental impact documents and any other paperwork to apply for permits.

The Superintendent asks for the fundraising plan for the \$7,500 that the students must provide.



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## The Community

A public hearing on the addition of the parking lot to the school master plan is held at City Hall. During the discussion, the officials discover that the proposed site for the lot is on land that is sometimes under water during the winter.

The approval process for the site of the parking lot may require the enhancement of wetlands on an adjoining piece of City land.

During the public hearing, several residents spoke about their fears that the parking lot would lead to additional problems with traffic, noise and lighting.

The City Council asked the students and school officials to meet to discuss the residents' concerns and report back at the next City Council meeting.

---

## Your Development Plan

Use this space to write down your ideas for this project, based on the information presented in this handout.

- What legal issues might you encounter with this project?
- What environmental and land use laws may apply to this project?
- Who in the community might support the project? Who might oppose it?

*How are legal, ethical, political, economic, and environmental issues involved in this land use decision?*

# Teacher Resource 1.4: Presentation

## Environmental & Land Use Law Curriculum

*This presentation can be downloaded from <http://www.lawweek.org>*

### **Slide 1:** **Law and the Environment**



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*Customize the presentation with your own graphics and examples.*

**Slide 2:**  
Environmental and land use law has no single definition. It is a catch-all to describe a wide range of laws and regulations passed by Congress, the State Legislature, or federal/state agencies.

**Slide 3:**  
Issues in environmental and land use law range from zoning and building permits to cleaning up pollution and protecting species their habitat.

**Slide 4:**  
Environmental and land use laws involve regulations from many government agencies that work together to protect both the human and environmental communities.



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### **Slide 5:**

Environmental and land use laws come from statutes, rules, regulations, codes and judicial decisions at four levels:

- Federal
- State
- Local
- Tribal

### **Slide 6:**

#### ***Federal***

- *Clean Air Act*
- *Clean Water Act*
- *Endangered Species Act*
- *National Environmental Policy Act*
- *CERCLA/Superfund*
- *Condemnation/Takings*

### **Slide 7:**

#### ***Washington State***

- *Growth Management Act*
- *Model Toxics Control Act*
- *State Environmental Policy Act*
- *Shoreline Management Act*
- *Water Codes*
- *Forest Practices Act*

### **Slide 8:**

#### ***Tribal***

*Treaties between the U.S. government and Native American Indian tribes that guarantee the right to hunt and fish in usual and accustomed sites at the time that the treaties were signed.*

**Slide 9:**

Some Issues

- Spotted Owl
- Duwamish River
- Discovery Park in Seattle
- Columbia River
- Growth management rules
- Trail on former railroad right-of-ways

**Slide 10:**

More issues

- Development of skateboard parks
- Brownfields
- Orchards
- Hazardous waste remediation
- Condemnation/Takings

**Slide 11:**



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# Lesson Plan #2: Land Use Dilemma

## Environmental & Land Use Law Curriculum

**A simulation game about land uses, law and the decision-making process.**

**Lesson Overview:** This activity introduces students to the complexities of environmental and land use law, through a simulation game focused on a hypothetical scenario set in a fictional community. The local City Council is considering re-zoning a parcel of land. Multiple interest groups have their own ideas of how the land should be used. In this activity, students identify possible land uses for the property. Then, they analyze the multiple land uses, develop and make presentations to the City Council Board at a mock public hearing. The students will assume the roles of decision-makers who must consider the legal, ethical, political, economic and environmental issues surrounding the land use decision.

**Curriculum Connections:** Social studies, civics, current events, ethics, environmental science, government and leadership.

**Objective:** Students will gain a basic understanding of land use categories and the laws that regulate them. Students will be able to identify and analyze different viewpoints about a land use issue, and will understand how opposing interests might affect a land use decision.

**Estimated Time:** 60 to 90 minutes. The activity can be broken up into two class periods. Spend the first class period preparing the presentations and use the second class period for presenting to the City Council.

**EALRS:** This activity is aligned with the Washington State Essential Academic Learning Requirements (EALRs) in the following areas:

- Understand the function and effect of law. (Civics 2.2).
- Understand individual rights and their accompanying responsibilities including problem-solving and decision-making at the local, state, national and international level. (Civics 4.1).
- Explain how various stakeholders influence public policy. (Civics 4.3).
- Analyze the role of government as participant in an economy through taxation, spending, and policy setting. (Economics 3.1).
- Identify and examine people's interaction with and impact on the environment. (Geography 3.1).
- Understand and use interpersonal and group process skills required by citizens in a democratic society. (Social Study Skills 2.1).
- Understand and apply critical thinking and problem-solving skills to make informed and reasoned decisions. (Social Study Skills 3.1).
- Communicate clearly to a range of audiences for different purposes. (Communication 2.1).
- Effectively use action, sound and/or images to support presentations. (Communication 2.5).
- Work cooperatively as a member of a group. (Communication 3.2).

*This activity can be split into two class periods.*



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**Simulation games help people understand environmental problems, foster awareness and concern, and develop the skills for citizen action.**

## **Materials:**

- Colored markers
- Easel with paper OR a white board OR an overhead projector
- Several sheets of chart or butcher paper for each group (5 groups)
- Masking tape or other way to affix paper to walls
- One copy of **Student Handout 2.1A** or **2.1B** for each student
- Seven copies of **Student Handout 2.2** (one for each group and one for the City Council)
- Six copies of **Student Handout 2.3** (one for each City Council member)
- Overhead transparency of **Land Use Map** for chosen scenario

## **Preparation:**

- Look up the population statistics for the city or town where your school is located. You may choose to alter the population of the city on **Student Handout 2.1A, 2.1B** and **2.3** so that it reflects the demographics of your community. You can find these statistics on your city's website.
- Gather the materials needed for the activity. You will need to make photocopies of the **Student Handouts**.
- Arrange for a room with six large tables, or else students can be asked to group their desks and chairs together.
- If possible, arrange for a nearby small room where City Council members can meet. If not possible, they may be able to meet in a corner of the classroom or outside in the hall.

- Students may begin by sitting where they choose. You will arrange them into groups later on in the activity.

---

## **Procedure:**

### **Introduction**

- Introduce the activity by providing a brief description of what will be happening, such as:

“During this activity, you will participate in a simulation game concerning a controversial development issue in a fictional community. You will be working in groups to identify potential land uses for a vacant property. As a group, you will analyze potential land uses and develop a plan for your preferred land use. While we will be focusing on a fictional community, the land use issues that we will be examining could happen here in our own community, as well.”

- Introduce the challenge for the activity:

“Your challenge is to identify and analyze some possible land uses for a vacant property. The City owns the land and is considering how to zone it and what is the best land use for the property.”

- Pass out either **Student Handout 2.1A** or **2.1B**, one per student. Ask students to consider all the different possible uses for the land. Encourage them to think creatively. Show the land use map on the overhead projector.
- Allow students about 5-10 minutes to work on **Student Handout 2.1A** or **2.1B**. They should work individually.

*Emphasize the various ways that stakeholders influence public policy, including land uses.*

*Encourage students to use action, sound and images to enhance their presentations.*

## Land Use Lingo

- When most people have stopped writing, call the group's attention to the easel, board or overhead projector. Ask the group, "What are some possible uses for the vacant land?"
- As students respond, write their ideas down as a list. Number each item in the list so that it is easier to refer back to them.
- Next, ask "Which of these land uses are similar? Could we group some of them together?" Use letters, symbols or colors to designate groupings of items. Try to move through this quickly.
- Finally, ask "What title could we give to the items in the same category? In other words, how could we name these different categories of land uses?" Students may think of titles such as recreation, housing, commercial, etc.
- Compare the category titles the students developed with the following list of zoning designations:
  - **Commercial:** Retail stores where goods or services are purchased.
  - **Industrial:** Factories, warehouses, plants, etc.
  - **Residential:** Buildings where people live.
  - **Single-Family Residential:** Buildings which house one family, such as houses.
  - **Multi-Family Residential:** Buildings which house two or more families per building. For example, apartments, condominiums or townhouses.
  - **Open Space or Parks:** Land designated for preservation or recreation. It may be left in its natural state or may include recreation opportunities, such as walking trails or picnic areas.
  - **Public:** Land designated for public or civic activities, such as a public school, city hall or community center.
  - **Resource Extraction:** Land designated for the harvesting or removal of agriculture, timber or mining resources.

## Analyze Land Uses

- Use the list of land use designations to create six groups: commercial, industrial, residential, open space, public and resource extraction.
- Separate students into the six land use groups. You can ask students to count off by six, and then organize themselves into the six groups. Students may sit around large tables, if available, or may need to move their desks and chairs to form groupings.
- Assign one of the land use designations to each group for them to represent.
- Distribute **Student Handout 2.2**, one handout for each group. Tell each group to choose one person to be the scribe who will record the group's thoughts onto the handout.
- Ask students to work within their groups to list and analyze the advantages and disadvantages of possible land uses for the property, keeping the land uses within their assigned designation.
- Allow 10 – 15 minutes for the groups to identify and analyze the potential land uses.

## Creating Presentations

- After the groups have been working for about 10 minutes on analyzing the land uses, tell the students that their next challenge is to develop a land use plan that falls within their zoning designation. Each group must choose one land use (or a combination of complementary land uses) that falls within the zoning designation that they represent. Their chosen land use should be the one that they think makes the best use of the land and will offer maximum benefit to the community.
- When creating their land use plans, students should consider which environmental laws might apply to their proposed project.

- Tell students that each group has about 20 minutes to develop a land use plan and to develop a three-minute presentation to be made at a hearing with a City Council committee. Each group will have three minutes to present. The presentations must include a visual display, such as a land use map. If possible, each group member should participate in making the presentation. The presentation should also make mention of which environmental laws may impact the proposed project.

- Pass out colored pens and large sheets of paper to each group.

- After the groups have been planning for about 5 minutes, make the following surprise announcement:

"We have just received word that the City Council is forming a new environmental impact committee to consider proposals for land uses within the City limits. Each group has one minute to elect one member to represent them on the City Council committee.

- Ask the new City Council committee members to follow you to either a separate room, an isolated corner of the classroom, or out into the hallway.

- Distribute **Student Handout 2.3**, one per committee member. Also give them one copy of **Student Handout 2.1A** or **2.1B**. Explain to the committee members that they will be holding a hearing to help them decide how to zone the property and what kind of land use is best for it. Review the following rules for the hearing:

"You have about 15 minutes until the hearing begins. Please read through your handout and work together to create some criteria for how you will evaluate the presentations.

"At the hearing, you will hear different proposals about how the property may be developed. It is your job to listen to the proposals and decide what is the best use for the property.

"On the back of your handout, you will notice summaries of major environmental and land use laws. Be sure to consider how these laws might apply to the projects that are presented to you.

"You also need to elect a chairperson to preside over the presentations at the hearing. The chairperson will begin the hearing by reading the announcement at the top of your handout."

- Once the groups have developed their presentations, this may be a good stopping point if you need to continue the activities on the next day.

### Now In Session

- When all the groups are ready, bring the City Council members into the room and have them sit together toward the front of the room. Appoint a time-keeper to cut off the presentations after three minutes.

- The Chairperson begins the hearing by reading the announcement at the top of **Student Handout 2.3**.

- When the presentations are complete, the City Council members should regroup in order to select the best proposal. Allow about 5-10 minutes for their decision.

- While the City Council is busy deliberating, ask each group to develop a list of criteria which they think should be used in choosing among the proposed land use plans.

- When the City Council members re-enter the room, the Chairperson should read their criteria aloud. Then, the Council members can announce their decision and give their reasons. The Council then adjourns.

- Point out that decisions are not normally made at hearings. Typically, the City Council, the project developer and related government agencies will work together to improve on the design for the proposed project. An environmental impact statement may be required to analyze the impact of the project. In addition, special permits may need to be

*Discuss individuals' rights and responsibilities, including participation in community decision-making.*

obtained for the project. Several alternatives may be developed to the original project proposal. The final decision will try to strike a balance between the interests of the human and environmental communities.

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## Evaluation:

- What ethics are involved in environmental and land use decision-making? When individuals join a decision-making body, such as a City Council, they come to their positions with their own interests, opinions and experiences. As seen in the simulation game, they may be aligned with a group that has a direct interest or investment in the outcome of the decision. This is referred to as an "interest group." While decision-making groups are bound by legal considerations, what ethical obligations do the individuals have?

- Ask the class to consider what environmental and land use laws would come into play in the scenario they experienced in the simulation game. What role do environmental and land use laws have in the decision-making process? Why are these kinds of laws important? As a class, you may want to investigate the process by which laws are established.

- Ask the students if anyone was assigned to an interest group that they did not want to represent. How did that feel?

- Ask the students what additional information would have helped them while planning their presentations. You may want to list their ideas on the board. Point out that in reality, land use decisions require extensive research, such as environmental impact statements (EIS). In the case of an EIS, several alternatives to the original project must be proposed, researched and evaluated, including a "no-action" alternative. Ask the students who served on the City Council if they think it would have been helpful to have more information about the proposed projects. Would it had been helpful to have alternatives to consider?

*In Lesson Plan #3, students can create their own land use scenario.*

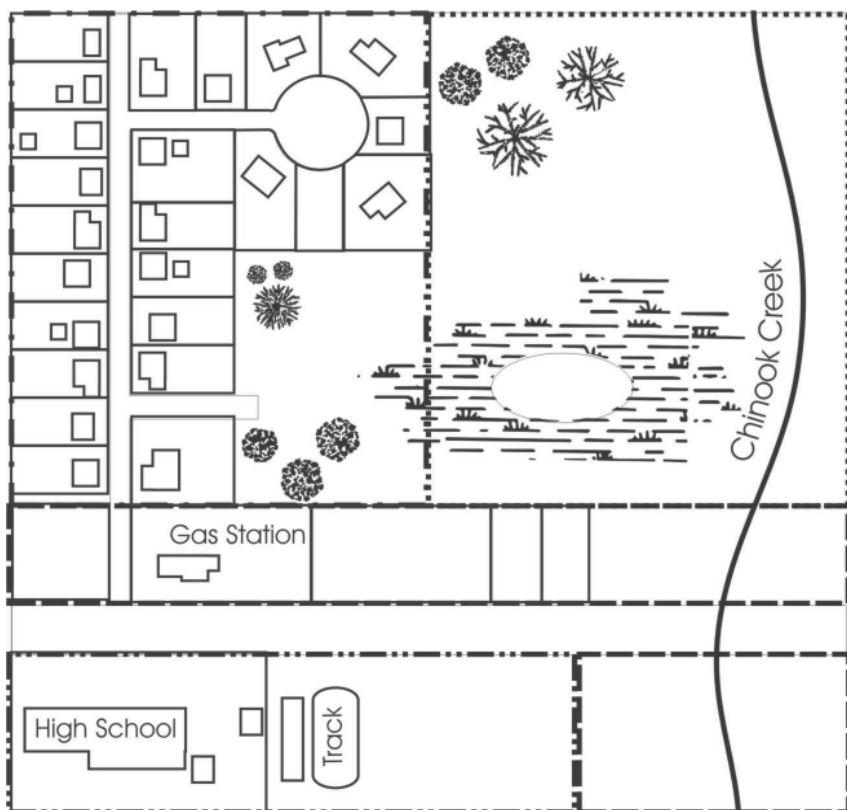
Adapted from U.S. Forest Service, *Investigating Your Environment: Land Use Simulation*.



# Student Handout 2.1A: Welcome to Tierraville

## Environmental & Land Use Law Curriculum

Fifteen acres of vacant land, located 1 block northeast of your high school, is now available for the City's use. The property is owned by the City of Tierraville. The City Council is currently considering how to zone the property.



ZONING	
— • Residential	—••• School
— — Commercial	••••• Vacant

The City Council is the authority for land zoning. Many citizen groups are being formed to influence zoning decisions.

### Background Information:

Tierraville has a rapidly increasing population of 200,000. There is a strong demand for new housing developments.

The property is mostly flat. There are no existing structures located on the property. There are several stands of healthy, mature evergreen trees on the property.

The property is bordered by a residential neighborhood comprised of single-family homes. The Creek View Neighborhood Association is active in local land use issues.

The property is bordered on one side by Chinook Creek, which has spawning grounds for two species of salmon.

The Tierraville School District is considering expanding the high school.

A closed gas station, with underground tanks, is located near the southwest corner of the property.

A year-round wetland is located on the property. The wetland includes a pond.

A local nature group wants the property preserved as wildlife habitat and to protect the function of the wetlands, including flood control.

List possible land uses for the property: (use the back of this paper if necessary)

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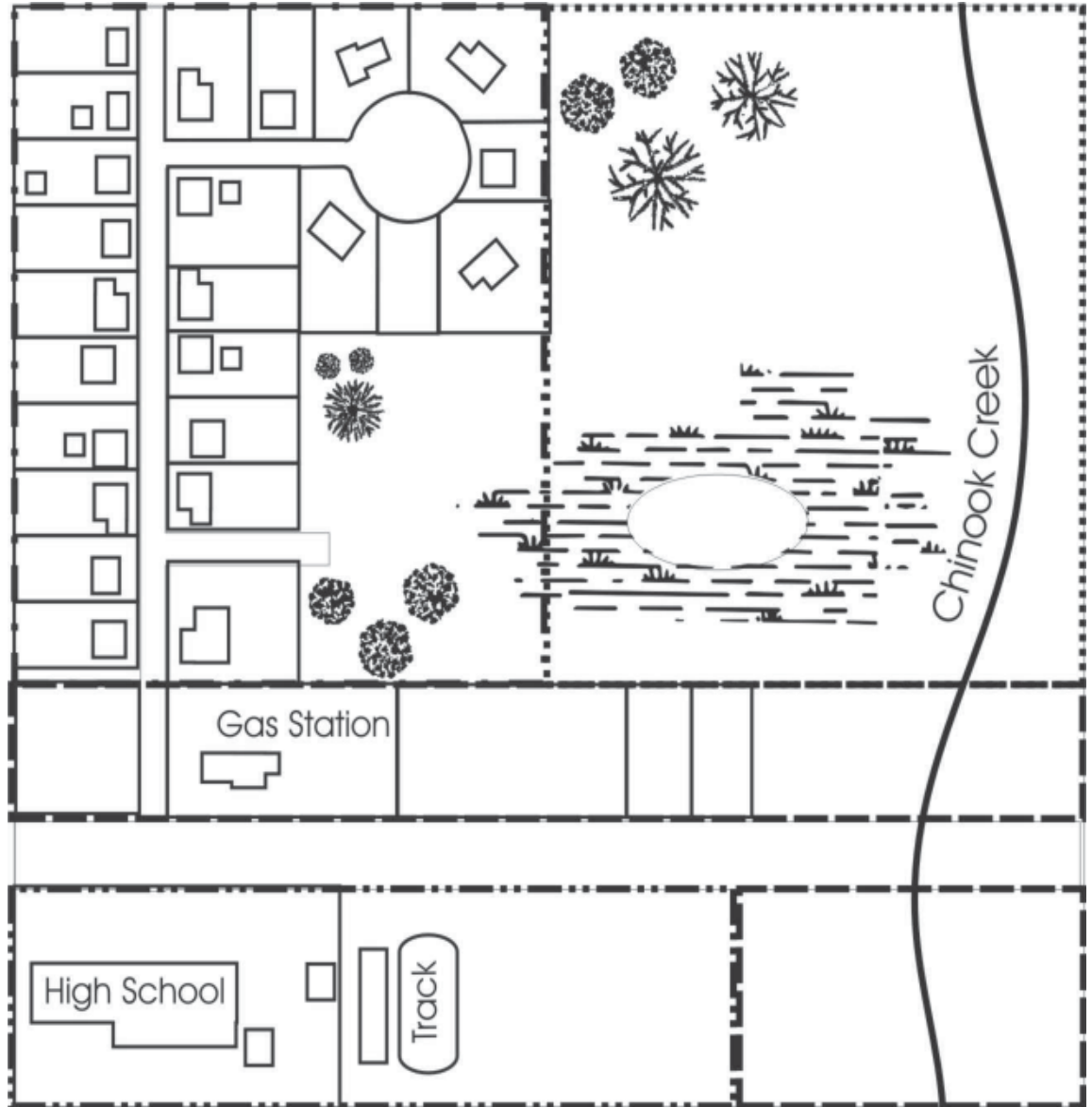
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# Land Use Map: Tierraville, Washington

## Environmental & Land Use Law Curriculum



ZONING	
--- Residential	- - - - School
— — Commercial	..... Vacant

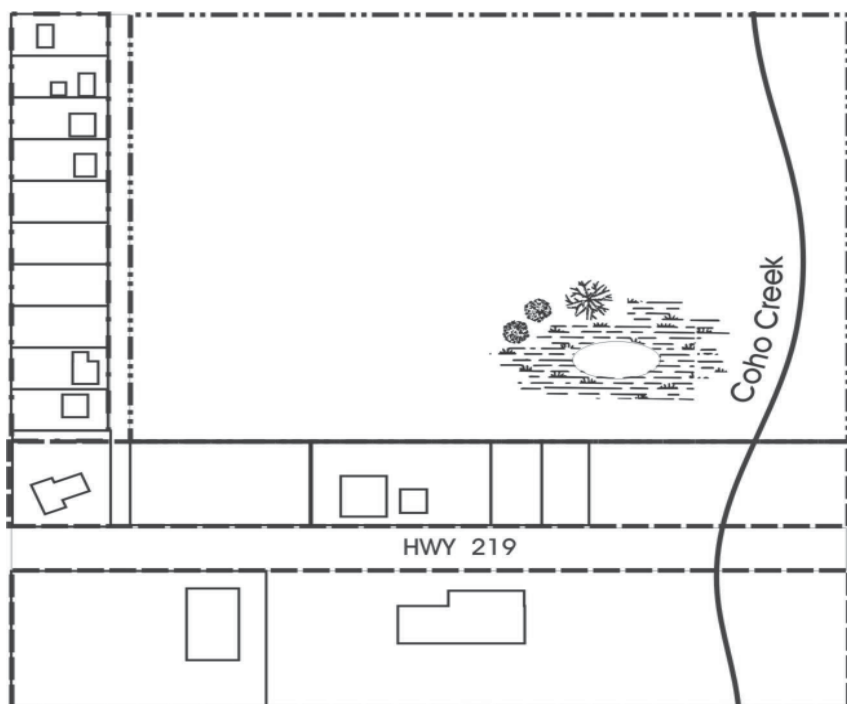


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# Student Handout 2.1B: Welcome to Greenfield

## Environmental & Land Use Law Curriculum

Fifteen acres of farmland, located 8 miles from the downtown area, is now available for the City's use. The City of Greenfield recently purchased the property. The City Council is currently considering how to zone the property.



ZONING	
— • Residential	—••• Rural
— Commercial	

The City Council is the authority for land zoning. Many citizen groups are being formed to influence zoning decisions.

### Background Information:

Greenfield has a rapidly increasing population of 200,000. New developments are being built outside of the city limits. There is a strong demand for new housing developments and public facilities.

The property is mostly flat. There are no existing structures located on the property.

Currently, the property is being used to grow hay that is sold as feed for livestock.

The property is bordered on one side by Highway 219, a two-lane road that connects Greenfield with the interstate highway.

The property is bordered on one side by Coho Creek, which has spawning grounds for two species of salmon.

A year-round wetland is located on the property. The wetland includes a pond.

The local youth soccer organization wants the property developed into athletic fields.

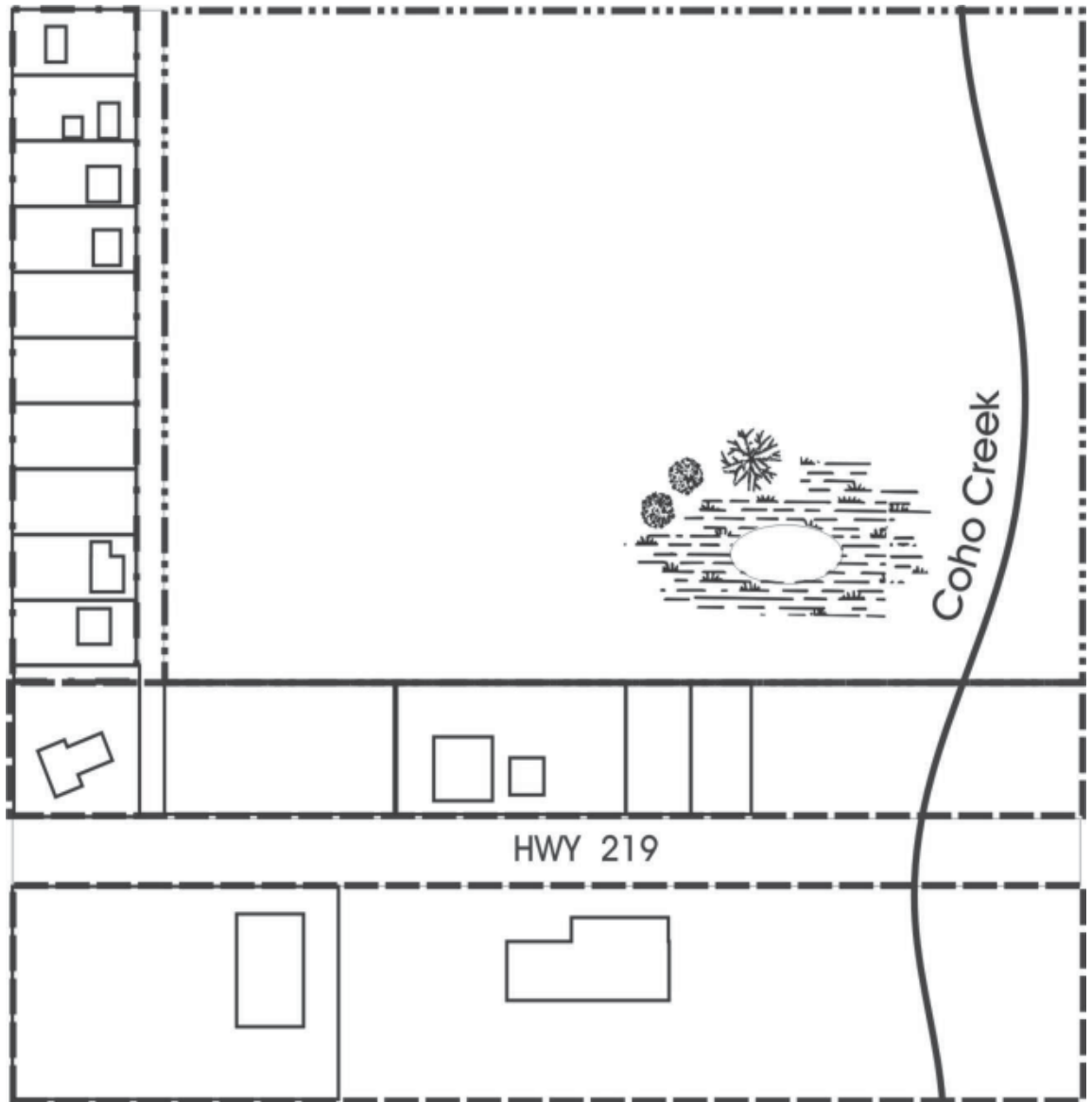
A local nature group, Friends of Coho Creek, wants the property preserved as wildlife habitat and to protect the function of the wetlands, including flood control.

List possible land uses for the property: (use the back of this paper if necessary)

_____	_____
_____	_____
_____	_____

# Land Use Map: Greenfield, Washington

## Environmental & Land Use Law Curriculum



ZONING	
— • Residential	—••• Rural
— — Commercial	



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## Summary of Major Environmental Laws

Many laws are implemented by multiple agencies at the federal, state and local levels. Many federal and state laws parallel each other, but provide specific provisions for the region.

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### Federal Environmental Laws

**Clean Air Act:** The CAA protects the nation's air. It sets standards for pollutant levels and regulates sources of pollution.

**Clean Water Act:** The CWA protects the nation's water. It sets standards for pollutant levels in water bodies. It also issues permits for the discharge of pollutants into water bodies. In addition, it authorizes the Army Corps of Engineers to issue permits for developers wanting to build on wetlands.

**Endangered Species Act:** The ESA is designed to conserve threatened and endangered animal and plant species. It is unlawful to "take" a listed species, which includes killing, harassing or harming the species or the habitat on which it depends.

**National Environmental Policy Act:** NEPA requires that actions by the federal government, or private actions that are federally approved, be made with consideration of the impact to the environment. Project proposals must disclose significant environmental impacts in the form of an Environmental Impact Statement. The review process must consider alternatives to the project, including a "no-action" alternative.

**CERCLA/Superfund:** The Comprehensive Environmental Response, Compensation and Liability Act, commonly known as Superfund, sets up a process to identify, investigate and clean up the nation's most toxic sites. It imposes liability for clean up costs on current and prior owners and operators, generators and transporters of the hazardous substances. The Act created the National Priorities List, a list of the nation's most toxic sites needing to be cleaned up.

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### WA State Environmental Laws

**Growth Management Act:** The GMA is designed to control uncoordinated and unplanned growth. Some of its goals include reducing urban sprawl, preserving rural lands and planning for future growth. The GMA required certain cities and counties to create comprehensive growth management plans. It also requires the protection of sensitive areas including wetlands, fish and wildlife habitat and landslide prone areas.

**Model Toxics Control Act:** Like the Superfund Law, the MTCA sets up a process to identify, investigate and cleanup contaminated properties that pose a threat to human health and/or the environment.

**State Environmental Policy Act:** SEPA is the state equivalent of the NEPA. The SEPA provides a process for identifying and mitigating environmental impacts that may result from government actions, including issuing permits for private projects and actions.

**Shoreline Management Act:** The SMA regulates any development near bodies of water.

**Water Codes:** The Codes regulate who can use water for various purposes, such as drinking water, irrigation, hydropower production and fisheries.

**Forest Practices Act:** A law to protect natural resources while assuring continued timber production.

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**Tribal Issues:** Treaties between the U.S. government and Native American Indian tribes that guarantee their rights to hunt and fish in their usual and accustomed places at the time that the treaties were signed.

*Consider how these laws might apply to your proposed project.*

# Student Handout 2.3: City Council Hearing

## Environmental & Land Use Law Curriculum

### Directions for City Council Members:

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1. Based on your understanding of environmental and land use laws, develop a set of criteria to evaluate the land use proposals.
  2. Develop a system to record your evaluation of each proposal.
  3. Elect a chairperson to preside over the presentations. The chairperson will begin the hearing by making the following announcements:
    - Each group will have 3 minutes to make their presentation.
    - There will be no rebuttal after presentations.
    - The City Council may ask one question of each group after all presentations have concluded.
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### Our criteria for evaluating the proposals:

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*You have 15 minutes to prepare for the hearing.*

Zoning Designation	Notes	Rating (1-5) 1=low; 5=high



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**Tribal Issues:** Treaties between the U.S. government and Native American Indian tribes that guarantee their rights to hunt and fish in their usual and accustomed places at the time that the treaties were signed.

*Consider how these laws might apply to the projects presented at the hearing.*

# Lesson Plan #3: Create Your Own Scenario

## Environmental & Land Use Law Curriculum

**Create your own simulation game involving a land use issue from your community.**

**Lesson Overview:** Using newspaper articles, students create a land use scenario based on a local development issue. Students also design a format for a simulation game where the scenario can be deliberated and a land use decision can be made. (This can be a student-led activity).

**Curriculum Connections:** Social studies, civics, current events, ethics, environmental science, government and leadership.

**Objective:** Students will gain an awareness of environmental and land use issues in their own community. Students will recognize the complex interactions between legal, ethical, political, economic and environmental factors involved in land use decisions. Students will identify the value of simulation games in teaching life skills.

**Estimated Time:** 60 minutes. Additional time will be necessary if you choose to have students actually try out one of the simulation games developed by the students.

**EALRS:** This activity is aligned with the Washington State Essential Academic Learning Requirements (EALRs) in the following areas:

- Understand the function and effect of law. (Civics 2.2).
- Understand individual rights and their accompanying responsibilities including problem-solving and decision-making at the local, state, national and international level. (Civics 4.1).
- Explain how various stakeholders influence public policy. (Civics 4.3).
- Analyze the role of government as participant in an economy through taxation, spending, and policy setting. (Economics 3.1).
- Identify and examine people's interaction with and impact on the environment. (Geography 3.1).
- Understand and use interpersonal and group process skills required by citizens in a democratic society. (Social Study Skills 2.1).
- Understand and apply critical thinking and problem-solving skills to make informed and reasoned decisions. (Social Study Skills 3.1).
- Communicate clearly to a range of audiences for different purposes. (Communication 2.1).
- Effectively use action, sound and/or images to support presentations. (Communication 2.5).
- Work cooperatively as a member of a group. (Communication 3.2).

*This lesson is designed to be presented as a follow-up to Lesson Plan #2.*



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**Simulation games help people understand environmental problems, foster awareness and concern, and develop the skills for citizen action.**

## Materials:

- Newspaper clippings (one per student). See note in "Preparation."
- Colored markers
- Easel with paper OR a white board OR an overhead projector
- Several sheets of chart or butcher paper for each group (5 groups)
- Masking tape or other way to affix paper to walls
- Five copies of **Student Handout 3.1**, one per group
- **Teacher Resource 3.2**

## Preparation:

- Gather the materials needed for the activity. You will need to make photocopies of the **Student Handouts**.
- Arrange for a room with five large tables, or else students can be asked to group their desks and chairs together.
- You will need a collection of recent newspaper articles about local and regional environmental and land use issues. You can also ask students ahead of time to search for articles in local newspapers and to bring in their articles on the day of the activity. **Teacher Resource 3.2** contains a list of sample newspaper headlines to give you an idea of what kind of articles to collect.

If this is not possible, students can be encouraged to make up their own development scenarios that are not based on actual events, but that could potentially take place in their own community.

## Procedure:

### Introduction

- Introduce the activity by providing a brief description of what will be happening, such as:

"In the last activity, we went through the process of developing a land use plan and making presentations to the City Council. We saw how legal, ethical, political, economic, and environmental concerns can arise in land use decisions. We also learned that land use decisions often involve a compromise between the stakeholders, finding a balance between the interests of human and environmental communities. Now, you are challenged to design your own land use scenario based on an actual project in your own community."

- Pass out the newspaper clippings you have collected to the students. The clippings may include articles on environmental and land use issues, such as development projects, endangered species listings, pollution problems, zoning issues or other types of issues. Each student should read their article and determine the main topic.
- Write three categories on the board: Community, State, and Region. Ask students to classify which category their clipping would fall under. Then, as students provide their answers, write the topic of their clippings on the board while grouping them under the headings. Spend no more than 10 minutes listing and discussing these issues.

### Game Plan

- Break the students into five groups. One way to do this is to number students off by five, and then have them find their group members.

*Emphasize the various ways that stakeholders influence public policy, including land uses.*

*Encourage students to evaluate how critical thinking and problem-solving skills are important for making informed and reasoned decisions.*

- Distribute one copy of **Student Handout 3.1** to each group. Explain to the students the format of the activity:

"You have about 30 minutes to work with your group members to develop a format for a simulation game based on a local environmental or land use issue. You can use one of the newspaper articles as the basis for the scenario. Also, the handout will help you plan and define the format for the game. You can design a game that might be similar to the mock City Council hearing we experienced as a class earlier, or you may create a completely different structure. Your game format should include: a clearly defined problem; environmental, land use and other factors that will influence the decision; and individuals or groups that have special interests in the decision. In about 30 minutes, I will ask each group to take 2-3 minutes to describe their game format."

### **Conclusion**

- After about 30 minutes, begin the group presentations. Each group should nominate one person to speak for them. Each group should take no more than two minutes to describe both their newspaper article and their simulation game format.

### **Evaluation:**

- Conclude the activity by asking the students to consider what value simulation games have in the classroom. How can a simulation game help people develop decision-making skills? What other skills can a simulation game like this help to develop? Simulation games can help people understand problems in the environment and their own community. The format can help people develop an awareness and concern about those problems and develop the skills needed for citizen action.

- Ask the students to consider what skills citizens of a democratic system need in order to be involved in local decision-making?
- 

Adapted from U.S. Forest Service, *Investigating Your Environment: Land Use Simulation*.



# Student Handout 3.1: Create Your Own Scenario

## Environmental & Land Use Law Curriculum

Find a newspaper article about an environmental or land use issue in your own community. Then, use that article as the basis for developing a hypothetical scenario about the issue. You can develop your own format for a simulation game or use the City Council hearing format that you experienced earlier.

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### Explain the Scenario

1. Develop the hypothetical environmental or land use scenario. What is the project? Are there zoning issues? What are the potential environmental impacts?

2. Who has an interest in this project? Identify two stakeholders that would be in support of the project and two stakeholders that would be opposed to it.

3. Identify some factors that may influence the land use decision. Who is the decision-making body? What environmental laws must be considered? Who or what will be impacted by the project?

*You have about 30 minutes to work on this in small groups.*



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## Develop the Simulation Game

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**Decide on a format for the simulation game. The following questions will help you develop your game format.**

1. What is the overall point of the game? What are the main procedures for playing the game?

2. Your simulation game should include presentations to some governing body, such as a City Council. Who is making the presentations? To whom will the presentations be made? What are the time limits for the presentations?

3. What is the criteria for making the final land use decision? What is the time limits for the judging the final decision?

4. Is there a process to allow appeals of the final decision? If so, how does this process work?

*You have about 30 minutes to work on this in small groups.*

# Teacher Resource 3.2: Newspaper Headlines

## Environmental & Land Use Law Curriculum

### **ENVIRONMENTAL & LAND USE ISSUES**

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#### **HUGE RESORT PLAN SPLITS TINY ROSLYN**

6/7/01 Roslyn, WA

#### **GOLD MINE REJECTED BY STATE BOARD**

2/11/00 Okanogan County, WA

#### **CITY WANTS NAVY LAND INSIDE DISCOVERY PARK**

3/2/04 Seattle, WA

#### **PROPOSED LAND-USE CHANGES WOULD BOOST DENSITY, EASE RULES IN RURAL AREAS**

2/26/04 King County, WA

#### **HUNTERS FEAR LOSING FAVORED SPOT IF ISLAND RETURNED TO THE WILD**

2/17/04 Snohomish County, WA

#### **SOME IN SAMMAMISH NOT SO KEEN ON PARK PROPOSAL**

3/3/03 Sammamish, WA

#### **SQUIRREL-FRIENDLY ROAD COULD COST MILLIONS EXTRA**

11/14/02 Pierce County, WA

#### **A RURAL PLAN FOR REDMOND RIDGE**

10/11/02 Redmond, WA

#### **BRIGHTWATER PLANT PLAN STINKS**

8/8/02 Seattle, WA

#### **WETLAND THWARTS PLANS TO BUILD MOSQUE IN BELLEVUE**

6/12/02 Bellevue, WA

#### **WATERFRONT PROPERTY WILL BECOME BURIEN PARK**

7/21/02 Burien, WA

#### **DEVELOPMENT RILES FOLKS IN WASHOUGAL**

2/6/04 Washougal, WA

*What kind  
of articles  
can you  
find in  
your local  
newspaper  
about land  
use issues?*



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## **TAKING THE POLITICS OUT OF LAND-USE DECISIONS**

5/13/01 Kirkland, WA

## **COMMUNITIES OF EDISON AND BLANCHARD SAVE SHELLFISH FARMS OF SAMISH BAY**

7/24/00 Skagit County, WA

## **LAND PURCHASE COULD RESCUE DUNGENESS FARMLAND**

5/25/00 Sequim, WA

## **FAMILY WILL SELL MARTHA LAKE AIRPORT FOR COUNTY SPORTS FIELD**

4/19/00 Mill Creek, WA

## **LAND PARCELS SAVED FROM DEVELOPMENT**

12/22/99 Kitsap County, WA

## **FATE OF SURPLUS EDMONDS WETLAND UP IN THE AIR**

11/1/99 Edmonds, WA

## **TACOMA PLANS GIANT PORT TERMINAL**

2/3/04 Tacoma, WA

## **MONROE'S VISION OF THE FUTURE: OPTIONS FOR LAND USE**

2/4/04 Monroe, WA

## **BATTLE OVER LOT SIZES GOES BEFORE BOTHELL CITY COUNCIL**

11/4/03 Bothell, WA

## **ZONING PLAN FOR SOUTH LAKE UNION SPARKS DEBATE**

9/24/03 Seattle, WA

## **COUNTY WON'T TRY TO STOP PURCHASE OF ROCK CLIMBING SITE**

2/26/04 Leavenworth, WA

## **AT HOME WITH RETAIL: TRYING TO FIND THE RIGHT MIX**

2/23/04 Vancouver, WA

## **WETLANDS ILLEGALLY FILLED, NEIGHBORS SAY**

10/21/01 Bainbridge Island, WA

## **CLARK COUNTY SCHOOL DISTRICTS EXPLORE RURAL LOCATIONS AS LAND CRUNCH INTENSIFIES**

2/22/04 Clark County, WA

Headlines from *The Seattle-Pi*, *The Seattle Times*, *The Columbian* (Vancouver), *The Daily News* (Longview), and *The Wenatchee World*.

*These headlines provide examples of the kinds of environmental and land use law issues that occur across Washington State.*

# Lesson Plan # 4: The Court Appeal

## Environmental & Land Use Law Curriculum

**A simulation designed for students to experience the process of a court appeal.**

**Lesson Overview:** The student will analyze their position and design an appeal on the land use action from **Lesson Plan #1**.

**Curriculum Connections:** Social studies, civics, current events, ethics, environmental science, government and leadership.

**Objective:** Students will identify and describe arguments favoring their position, advocating for a particular court decision.

**Estimated Time:** 60 minutes

**Class Size:** Up to 30 students.

**EALRS:** This activity is aligned with the Washington State Essential Academic Learning Requirements (EALRs) in the following areas:

- Understand the function and effect of law. (Civics 2.2).
- Understand individual rights and their accompanying responsibilities including problem-solving and decision-making at the local, state, national and international level. (Civics 4.1).
- Identify and examine people's interaction with and impact on the environment. (Geography 3.1).
- Understand and use interpersonal and group process skills required by citizens in a democratic society. (Social Study Skills 2.1).
- Understand and apply critical thinking and problem-solving skills to make informed and reasoned decisions. (Social Study Skills 3.1).
- Communicate clearly to a range of audiences for different purposes. (Communication 2.1).
- Effectively use action, sound and/or images to support presentations. (Communication 2.5).
- Work cooperatively as a member of a group. (Communication 3.2).

*This activity is designed for one class period.*



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## Materials:

- Five copies of **Student Handout 4.1**, one per team
  - One copy of **Student Handout 4.2** for each student
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## Preparation:

- **Prior to the school visit:** Call the teacher and have a conversation about the class format and structure, any other special “heads ups.” Ask the teacher to have students write down questions prior to your visit, so that you know what they are most interested in learning about. Question the teacher about the most appropriate scenario from **Lesson Plan #1** or **#2** to use for this lesson.

- Gather the materials needed for the activity. You will need to make photocopies of the **Student Handouts** if you have not arranged for the teacher to do so.

- Be prepared to discuss similar cases from your own personal experience.

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## Procedure:

- Introduce yourself, by briefly telling about your background.

- Select one of the scenarios from previous lessons: Skateboard Park (**1.1A**), Parking Lot (**1.1B**), or Land Use Simulation (**2.1A** or **2.1B**). Ask the class about their experiences with the exercise. Have a brief discussion with the class about what lawsuits could result from their work, perhaps even diagramming the situation on the board.

- Define and discuss **legal precedent** and **public policy** in relationship to the appeal process. Precedent is case law that explains how laws are interpreted by following the decisions of prior court cases. Public policies are developed for the general interest of the public.

- When lawyers first get a case, (and long before any hearing) they spend a lot of time analyzing and planning their case. A good lawyer looks at all possible angles of a case, including:

- ✓ Arguments in your favor
- ✓ Facts/background supporting your arguments
- ✓ Possible witnesses who could help you
- ✓ Pieces of evidence you could use or create
- ✓ Law, precedent and/or public policy that could assist you
- ✓ Weaknesses in the case
- ✓ Strengths and weakness of the opponent's position
- ✓ Potential settlement options
- ✓ Creative *win-win* solutions

- Divide the class into five teams. Each team should decide together on a stance to take regarding the outcome of the scenario. A group can be in support or in opposition to the outcome. If opposed, they should have an idea of a specific outcome for which they will advocate.

- Ask each team to brainstorm basic items in support of their case, using **Student Handout 4.1**. Encourage the students to review the scenario, but also create additional facts consistent with the scenario that they would hope to develop if they had the time.

- After about 10 - 15 minutes, have each team present their handouts to the class. This could generate some discussion and argument. During the discussion, students should keep track of the points made by other parties on **Student Handout 4.2**.

- Have the teams go back into session. Now that they have heard some of the other parties' points, the teams can brainstorm their responses using **Student Handout 4.2**.

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# Student Handout 4.1: Planning the Appeal

## Lawyer Planning Handout

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**What is the decision that you are appealing to court? What would you like the court to order?**

**Based on your knowledge of the law, current events and creativity, brainstorm points that would help you get the result you want at the court hearing:**

- Arguments in your favor
- Possible witnesses who could help you
- Pieces of evidence you could use or create
- Law, precedent and/or public policy that could assist you
- Weaknesses in your case
- Strengths and weakness of the opponents' position
- Potential settlement options, including creative win-win solutions



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# Student Handout 4.2: Considering Your Position

## Lawyer Planning Handout

	<i>Other parties' points which weaken your position</i>	<i>Your response</i>
<b>Arguments</b>		
<b>Facts</b>		
<b>Witnesses</b>		
<b>Evidence and exhibits</b>		
<b>Law and public policy</b>		



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# Feedback Form for Lawyer Presenters

Thank you for making suggestions about the **Environmental & Land Use Law: Engaging Students in their Communities** curriculum. Your comments will help make this curriculum even better. If you wish, you may use the **Student Feedback Form** to gather feedback on your presentation style and content.

Please send these feedback forms, including any responses from students, to:  
WSBA, Environmental and Land Use Section, 2101 Fourth Ave Suite 400,  
Seattle WA 9812.

Date \_\_\_\_\_ School \_\_\_\_\_

School District \_\_\_\_\_

Your Name \_\_\_\_\_ Number of students in attendance \_\_\_\_\_

Grade level(s) \_\_\_\_\_ Which lesson(s) did you present \_\_\_\_\_

1. **Did the lesson(s) meet your expectations?**  Yes  Somewhat  No

Comments:

2. **Was the lesson plan(s) easy for you to use?**  Yes  Somewhat  No

Comments:

3. **Was the content of the lesson(s) valuable?**  Yes  Somewhat  No

Comments:

4. **Was there variety in teaching strategies?**  Yes  Somewhat  No

Comments:

5. **Would you recommend this curriculum to a colleague?**  Yes  No

Comments:

6. **Do you have other suggestions or tips for this curriculum?** Answer on back.



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# Feedback Form for Students

Thank you for making suggestions about the **Environmental & Land Use Law: Engaging Students in their Communities** curriculum. Your comments will help make these activities even better. Whenever possible, we use your feedback to improve our program.

Date \_\_\_\_\_ School Name \_\_\_\_\_

School District \_\_\_\_\_

**1. In one sentence, describe the theme or major idea of the presentation/activity:**

**2. What I liked best about the presentation/activity:**

**3. What I liked least about the presentation/activity:**

**4. How do I rate the guest presenter/attorney?**

\_\_\_Excellent \_\_\_Good \_\_\_Fair \_\_\_Poor

Comments:

**5. I would have liked the presentation/activity to focus:**

**More on:**

**Less on:**

**6. I still have questions or am unclear about:**



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# Feedback Form for Teachers

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Seattle WA 9812.

Date \_\_\_\_\_ School \_\_\_\_\_

School District \_\_\_\_\_

Your Name \_\_\_\_\_ Lawyer's Name \_\_\_\_\_

Number of students in attendance \_\_\_\_\_ Grade level(s) \_\_\_\_\_

## 1. Which lesson plan(s) did you present to your students?

- Lesson Plan #1: Law & the Environment

**Comments:**

- Lesson Plan #2: Land Use Dilemma

**Comments:**

- Lesson Plan #3: Create Your Own Scenario

**Comments:**

- Lesson Plan #4: The Court Appeal

**Comments:**

## 2. What are the strengths of the curriculum?

## 3. What improvements could be made to the curriculum?

## 4. What additional resources would help you teach environmental and land use law in your classroom? Answer on back.



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