

HOW ORGANIZATIONAL COMMUNICATION SHAPED THE HEARST RANCH
CONSERVATION EASEMENT

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by

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ABSTRACT

How Organizational Communication Shaped the Hearst Ranch Conservation Easement

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The purpose of this study was to show how organizations involved with the Hearst Ranch Conservation Easement negotiations might have used the feedback loop characteristic of two-way Symmetrical communication theory to reach consensus on the Hearst Ranch Conservation Agreement.

Conservation easements are complex situations and each has separate and distinct goals, constraints, compromises, funding mechanisms, and public values. This study analyzed public documents from seven different organizations that provided input in the public consultations regarding the Hearst Ranch Conservation Easement, which completed in 2005. This study concluded that one of the communication methods adopted during the Hearst Ranch Conservation Negotiation was Hunt and Grunig's two-way symmetrical communication theory.

Keywords: Hearst Ranch, conservation easement, symmetrical communications, stakeholder engagement, communication theories.

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TABLE OF CONTENTS

	Page
LIST OF TABLES	viii
LIST OF FIGURES	ix
CHAPTER 1: Problem Statement.....	1
Introduction	1
What Are Conservation Easements?	3
Background.....	6
The Role of Communications.....	10
Purpose.....	10
Research Question	12
Scope of the Study.....	12
Definitions	13
Conservation Easement.....	13
Two-way Asymmetrical Communication	13
Two-way Symmetrical Communication	14
CHAPTER 2: Review of Literature.....	15
Grunig and Hunt’s Communication Theory	15
Conservation Easements	18
California Public Policy.....	22
CHAPTER 3: Research Methods	26
Qualitative Research.....	26
Research Design.....	27
Data Gathering.....	28
Document Analysis	28
Interviews	29
CHAPTER 4: Data Results	30
Hearst Ranch	30
Rangeland Trust.....	34
State of California.....	35
Other Organizations	37
Final Conservation Easement	37
CHAPTER 5: Findings and Recommendations	39

Introduction	39
Purpose of the Study.....	39
Research Question	40
Findings	40
Recommendations	41
Limitations	42
Conclusion	43
REFERENCES	45

LIST OF TABLES

Table	Page
1. Common elements of a typical conservation easement, by landowner implications	2
2. Characteristics of public relation models, by purpose, nature of communication, nature of research, & where practiced.....	17
3. Key negotiation themes for opponents of the Hearst Ranch Conservation Easement.....	33
4. Key negotiation themes for the State of California regarding the Hearst Ranch Conservation Easement	36
5. Key negotiation themes for third parties regarding the Hearst Ranch Conservation Easement	37
6. Key themes of the final Hearst Ranch Conservation Easement, by state agency	38

LIST OF FIGURES

Figure	Page
1. Map of the Hearst Ranch, San Simeon, California (QGIS Development Team, 2015)	7
2. Amount of conservation easements by year and acres (NCED, 2015)	8
3. Hearst Ranch Conservation Easement Overview (RRM Design Group, 2015)	9
4. Millions of U.S. Acres protected by state and local land trusts, 2000-2010 (Land Trust Alliance, 2015)	19

CHAPTER 1

Problem Statement

Introduction

In the United States, and particularly the State of California, conservation easements have been used for various permanent conservation intentions: from the protection of historical structures and extending to a variety of open spaces, from wetlands, scenic lands and endangered habitats to the relatively new practice of safeguarding farmland threatened by urbanization. Due to the natural resource value of cattle ranches, conservation easements are employed as means of defending the ranches' inherent values (Loux & Havlick, 2011).

Two types of organizations are qualified to hold easements: governmental and non-profit organizations. The predominant organizations are non-profit land trusts, which landowners perceive as more sympathetic and flexible rather than the more formal governmental organizations.

It is important to note that nearly all conservation easements are generally negotiated on their own terms; but, in general, these agreements broadly share the same elements or attributes. A summary of the common elements of a typical conservation easement and the corresponding implications for the landowner are shown in Table 1.

Table 1

Common elements of a typical conservation easement, by landowner implications

Easement Element	Landowner Implications
Permanent removal of development rights on property.	Compensation for landowner as agreed with the easement acquirer.
Landowner gives up the right to erect additional structures or to subdivide the land.	There is the potential to negotiate these implications during the agreement to allow limited future family residences on the land.
Landowner can continue to exercise all other property rights.	Retain ownership of land with right to sell and lease the property.
Any restrictions on development rights are recorded on property deeds and are legally enforceable.	The restrictions run with the land and consequently pass onto all successive owners.

Source: California Natural Resources Agency, 2016g, 2016h, 2016i, 2016j, 2016k, & 2016l.

The Hearst Ranch Conservation Easement possesses extraordinary agricultural resources, biodiversity, watersheds, ecological connections, and scenic landscapes (Hearst Ranch, 2016). The conservation values as defined by the agreement are of great importance to both the people of San Luis Obispo County, the State of California, and visitors from across the United States. More specifically, the area covered by the ranch has one of the most outstanding and diverse ranges of native plants and habitats in addition to at least twenty-eight species of plant and wildlife which currently hold special status and the interest of

environmentalists. Several species on the Easement Area exist nowhere else on Earth (Hearst Ranch, 2016).

According to the deed of the conservation easement, approximately 82,000 acres of Hearst Ranch are protected in perpetuity and include the following features (California Natural Resources Agency, 2016g):

- Resources and Habitats
- Vital Resources
- Ecological Connectivity
- Historic Working Landscape (Continued cattle operations)

What Are Conservation Easements?

Conservation easements are one of the most often used and most flexible tools to preserve open spaces, with over two million acres now covered by these permanent restrictions in the State of California (Loux & Havlick, 2011). A conservation easement is a voluntary and legal agreement between a landowner and an easement holder, typically a land trust or governmental agency to protect its conservation values.

Conservation easements are broadly defined as any restriction on real property imposed for conservation purposes (Barrett & Livermore, 1983). The federal law of 1979 act describes a conservation easement as:

“... a nonpossessory interest of a holder in real property imposing limitations or affirmative obligations the purposes of which include retaining or protecting natural, scenic, or open-space values of real property, assuring its availability for agricultural, forest,

recreational, or open-space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property.”

Participating in an easement agreement may also provide financial benefits to the landowners, such as federal tax benefits. Although there are a number of examples of this type of agreement, this study focused on the publicly available documents for the Hearst Ranch Conservation Easement, which was completed in 2005.

Overall, in the case study examined, it has been shown that utilizing a two way communication model has played a significant contribution to the way the public was successfully engaged in this process leading to the implementation of the most significant easement to date in the state of California.

The topic of this study originally stemmed from the significance of the historic Hearst Ranch agreement signed in 2005. The 82,000 acre Hearst Ranch, which includes 18 miles of spectacular coastline, became the largest known conservation easement to date when Governor Schwarzenegger announced the successful completion of the agreement on February 18, 2005 (California Natural Resources Agency, 2016).

The Hearst Ranch finalized the Conservation Easement in collaboration with the American Land Conservancy and the California Rangeland Trust in addition to the State. The conservation plan was the culmination of a five-year effort involving a number of stakeholders, namely environmentalists, conservationists, the local community, the State and of course, the Hearst family.

The state agencies involved in the process, included the California Resources Agency, California Coastal Conservancy, State Department of Parks and Recreation, Wildlife Conservation Board (WCB), and the California Transportation Commission, unanimously approved the \$95 million agreement (California Natural Resources Agency, 2016).

The Hearst Ranch Conservation Easement effectively retired all development rights on the ranch to protect wildlife habitats and a piece of history (California Natural Resources Agency, 2016; Hearst Ranch, 2016). The successful completion of this historic conservation easement was celebrated by Stephen Hearst when he received the 2012 Conservationist of the Year Award from the Rangeland Trust (Chuda, 2012).

It is noteworthy that Rangeland Trust CEO, Nita Vail, remarked, “This historic conservation deal changed the course of California’s history. This magnificent ranch and coastline are forever preserved for current and future generations to enjoy. The Hearsts continue to be fantastic partners and stewards. I don’t know anyone more deserving of our highest honor” (Chuda, 2012).

The Hearst Ranch Conservation Easement marked one of the most significant coastal land gifts ever made to the state of California (California Natural Resources Agency, 2016). As part of the arrangement, the Hearst Ranch agreed to handover proprietorship of approximately 18 miles of coastline for public use. In addition, an agreement allowed the State to complete an 18-mile segment of the California Coastal Trail through the Ranch.

Some observers have noted that the easement agreement is a continuation of the private/public relationship that was established mid-way through the previous century, when the Hearst Ranch gave Hearst Castle to the State of California as a charitable gift for the public to enjoy.

Located on California's central coast in San Luis Obispo County, the 128 square mile Hearst Ranch has been owned by the Hearst Corporation since the 1860's. Originally purchased by William Randolph Hearst's father, US Senator George Hearst, the ranch surrounds Hearst Castle and includes 18 miles of scenic coastline. Figure 1 illustrates the location of the ranch, approximately equidistant from Los Angeles and San Francisco.

Background

There is a large quantity of conservation easements within California, numbering close to 3,000. The increased popularity of conservation easements in the last couple of decades is illustrated in Figure 2.

I chose this specific case study as I was granted access to the key stakeholders and individuals in the negotiation process in addition to a number of publicly available documents released after the public consultation.

Hearst Ranch San Simeon, California

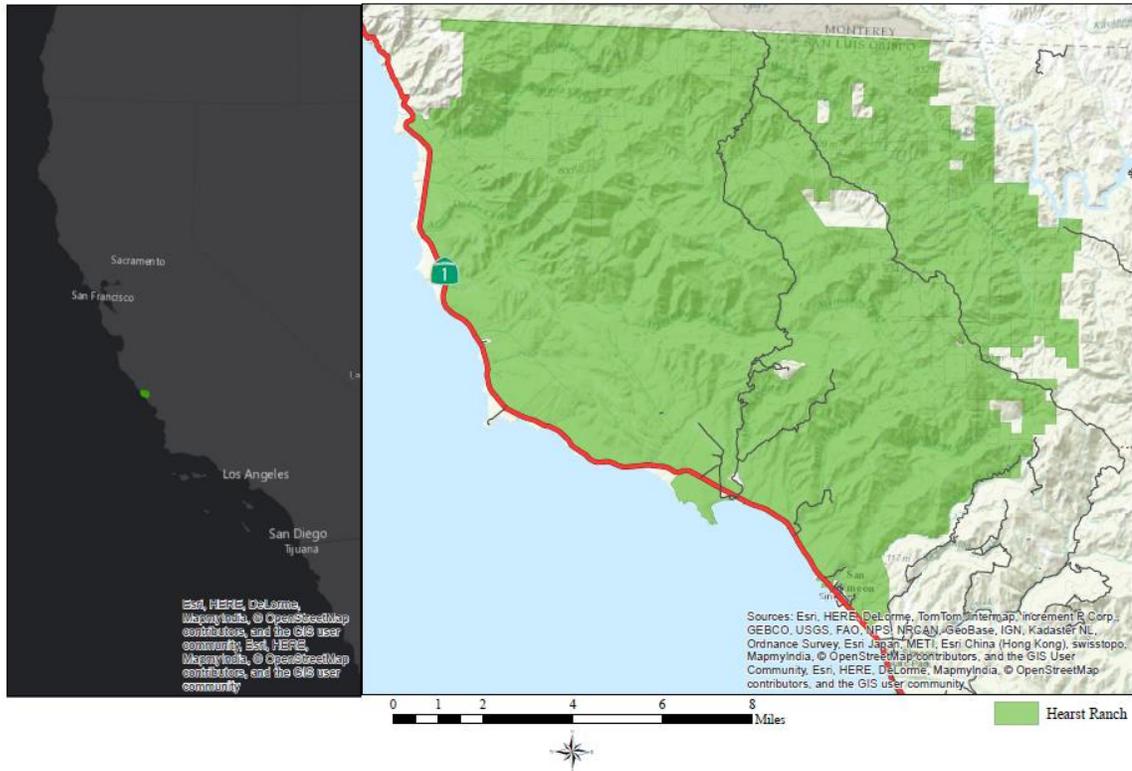


Figure 1. *Map of the Hearst Ranch, San Simeon, California.* (QGIS Development Team, 2015).

Furthermore, the fascinating story leading to the breakthrough agreement took several twists and turns during many years and captivated the interests of many observers and stakeholders. It has been described by some local members of the community as simultaneously controversial and visionary (Rodgers, 2004). Prior to the idea of a conservation easement, the Hearst Ranch was trying to develop a portion of the ranch into a 650-room hotel and an 18-hole golf course.

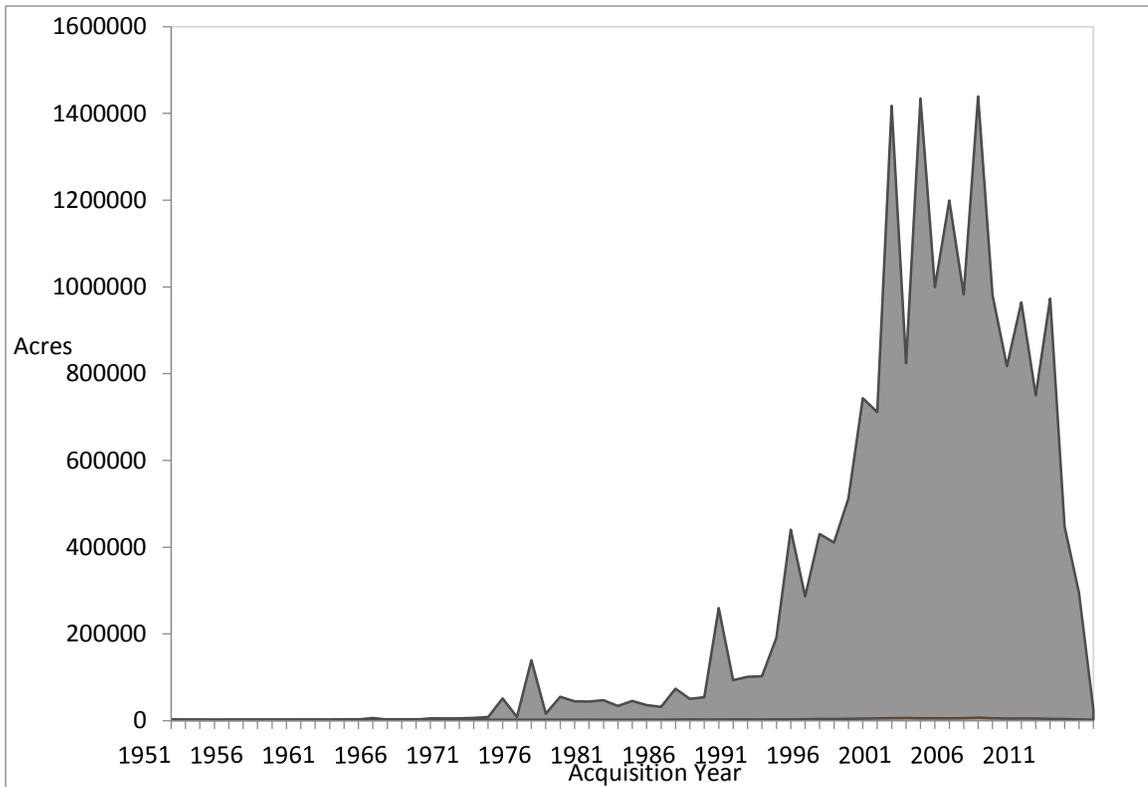


Figure 2. Amount of conservation easements by year and acres. (NCED 2015).

Since the local community roundly rejected this development proposal due to concerns about the effect the resort would have on the ranch’s ecosystem, Stephen T. Hearst, chairman of the board of the Hearst Corporation, began negotiating the sale of the development rights for his family’s ranch via a conservation easement to effectively preserve the land in perpetuity.

In February of 2003, Mr. Hearst, on behalf of the Hearst Corporation, entered into an agreement with the American Land Conservancy to determine a value for the development rights, find a buyer(s), and at the same time, entered negotiations with state agencies potentially interested in purchasing the easement. The sudden shift in direction from pursuing commercial interests to

focusing on conserving the land worried some people who already distrusted Hearst.

According to a New York Times article, it took Steve Hearst two years to get the backing of the 56 heirs in the Hearst Family Trust (Seelye, 2003). The article also noted that because of the residual suspicion that existed at the time, as well as the unprecedented size and importance of the deal, there was intense scrutiny of the negotiations, and their mostly secret nature caused much frustration among onlookers (Seelye, 2003).

Figure 3 illustrates the areas of the land over which the Hearst Ranch maintained ownership as well as areas transferred to the state following the conservation easement negotiations.

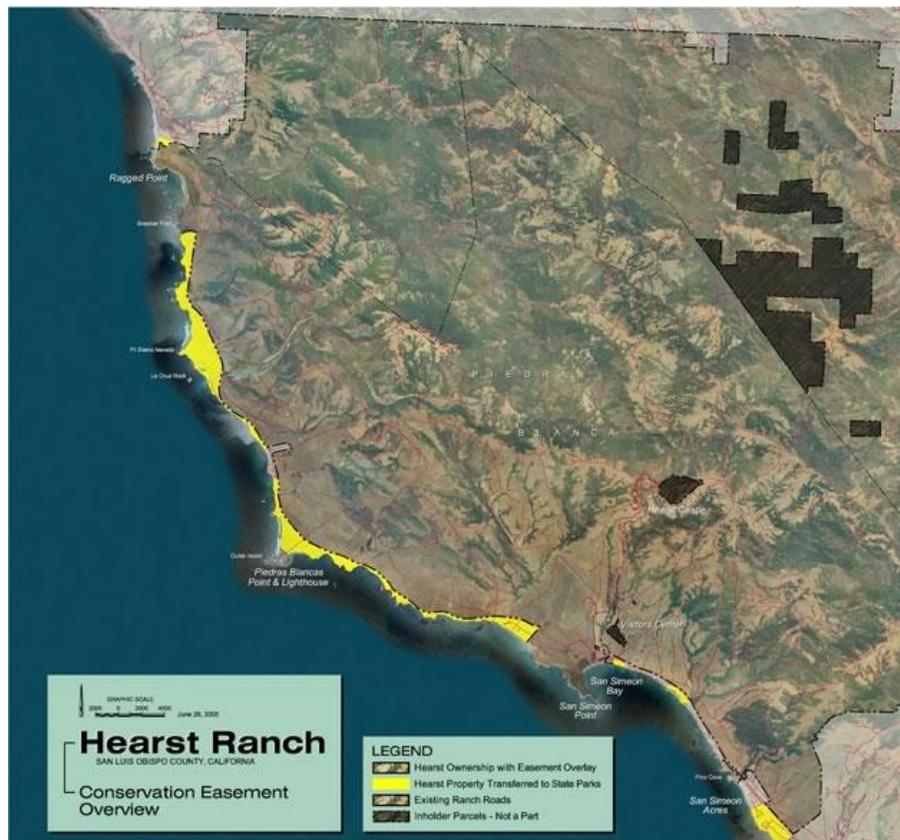


Figure 3. *Hearst Ranch Conservation Easement Overview.* (RRM Design Group 2015).

During early 2003, the Hearst Ranch and the aforementioned American Land Conservancy outlined the proposed purchase of the property, with an agreed price of \$95 million (\$80 million in cash and \$15 million in State tax credits). California bond funds as well as federal Transportation Enhancement funds raised the appropriate capital (California Natural Resources Agency, 2016b).

In June of the following year, the California Secretary for Resources, Mike Chrisman, announced that a tentative agreement had been reached between the Hearst Ranch and various state agencies (California Natural Resources Agency, 2016). At least four independent appraisals were commissioned by the Hearst Ranch and state agencies, with the state ordered one valuing the land at \$230 million (Rodgers, 2004). At the time, there were no comparable properties by which to judge the value of the land, with the consensus amongst onlookers being that the property would sell for below market value.

The Role of Communications

Communication theories exist to describe interactions between parties. The application of communication theories been examined in this study within the context of the Hearst Ranch Conservation Easement negotiations.

Purpose

The purpose of this study was to show how organizations involved with the Hearst Ranch Conservation Easement negotiation might have used the

feedback loop characteristic of two-way Symmetrical communication theory to reach consensus on the Hearst Ranch Conservation Agreement.

This study qualitatively analyzes documents that are publicly available to determine the nature and subject of these prevailing discussions and how the use of a particular communication method may have shaped and governed the overall relationship. This covered aspects such as the organizational engagement, building and maintaining relationship, and negotiations leading to the final Hearst Ranch Conservation Easement.

By investigating the change in discourse that occurred throughout the negotiation period as a result of examining the stakeholders' conflicting interests, a clear picture will unfold demonstrating how the emerging conflict was resolved. There is a multitude of issues/topics that were debated throughout the public consultation period and the negotiations will be analyzed to provide an evaluation of the critical junctions that shaped the relationships between the key stakeholders.

The negotiation of conservation easements between numerous groups can become increasingly complex, and there is no traditional template to follow in these situations. Each one has separate and distinct goals, limitations, concessions and financial backing. The legal dimension and administrative challenge can add to the complexity of the process.

The relationship between Hearst Ranch and the State of California will be one the main themes that run through this study. It is inconceivable to consider any agreement successful without the mutual cooperation and trusting

relationship of organizations engaged in the negotiation and monitoring of the agreement.

Given the complexity of the negotiations relating to such conservation easements, the extent of the private discussions in relation to issues and details of their efforts is unknown. This study therefore only used publicly available information and analyses of the interviews with the various organizations, individuals, and stakeholders involved with the negotiations.

Research Question

This study was guided by the following research question: Is there any evidence that the organizations involved in the Hearst Ranch Conservation Easement altered their negotiation stance when they received feedback from another organization?

Scope of the Study

This study is limited to the 2005 Hearst Ranch Conservation Easement. In the context of the Hearst Ranch Conservation Easement, one of, if not the most publically and culturally important easements to have ever been agreed, the institutions and agricultural organizations involved included amongst others; the Hearst Ranch, the California Rangeland Trust, the State of California and the American Land Conservancy.

The significance of this study is that it explores relationships that emerge between entities involved in complex negotiations and asks whether a successful

outcome for all sides depends on the entities engaging in meaningful communication that leads to lasting, ethical benefits for all involved.

Specifically, in the context of the preservation of agricultural land and diverse wildlife, it is imperative to determine which communication model has the highest likelihood of delivering success in land management negotiations.

Although there is no one-size-fits all strategy, this study will attempt to discover how feedback shapes communication approach.

Definitions

Conservation Easement

Conservation easements are voluntary legal agreements between a landowner and a land trust (or other qualified organization) in which the land owner, and not some outside agency, places restrictions on the use of his or her property, in order to protect the natural values of the land in return for monetary compensation (Greene, 2005).

Two-way Asymmetrical communication

An organization uses relevant research from others (two-way) in an effort to potentially change stakeholder behaviors to benefit the organization, often referred to as scientific persuasion (Grunig, 1976; Grunig & Hunt, 1984).

This method employs social science to develop communication that is more persuasive and generally focuses on attaining short-term attitude alteration.

In addition, this type of communication integrates significant feedback from target audiences and the public. This methodology is mostly likely to be

used by organization primarily concerned in having its audience influenced by its way of thinking rather than changing the organization, its policies, or its views.

Two-way Symmetrical communication

Uses communication to negotiate with stakeholders, compromise and resolve conflict, and promote mutual understanding and respect between the organization and its stakeholders (Grunig, 1976; Grunig & Hunt, 1984).

This type of communication depends upon open and transparent two-way communication and mutual exchange rather than one-way persuasion. It principally focuses on mutual respect and efforts to gain common understanding; emphasizes negotiation and a willingness to adapt and make concessions.

In addition, this type of communication requires organizations engaging in public relations to be willing to make significant adjustments in how they function in order to accommodate their publics. The approach is mostly likely be used by non-profit organizations, government agencies and businesses that are regulated such as public utilities.

CHAPTER 2

Review of Literature

This chapter covers a brief review of communication theory as a backdrop to the document analysis that follows. The chapter continues by discussing conservation easements and concludes by reviewing California law to determine the legislature's public policy statements about conservation easements.

Grunig and Hunt's Communication Theory

Communication is recognized by academics as a principal means of influencing people. The theory proposed by Grunig (1976) and later built upon in collaboration with Grunig and Hunt (1984) is that organizations behave in a similar manner to individuals in that they rarely change direction or alter communication methods until they face an indeterminate situation.

Grunig, in his earlier publications, states that organizations are conservative and concerned with control of their environment and sub-systems, and that they tend to adopt more synchronic communication procedures than diachronic (Grunig 1976). Grunig identified four general types of situations in which different types of communication behaviors have a high likelihood of taking place. These are arbitrarily categorized as problem-facing, routine-habit, constrained and fatalistic. He further argues that this model applies to both individuals and organizations. Due to the nature, size and longevity of the Hearst's, it would be reasonable to identify Hearst Ranch as a routine-habit organization.

In the context of the Hearst Ranch Conservation Easement, Grunig's theory would lead one to suggest that the Hearst Ranch negotiation team would adopt synchronic communication as it relates to the desire to communicate the benefits of a land preservation agreement for the wider community.

Furthermore, in the scenario that Hearst Ranch found itself back in the early 2000's, its public relations arm was on the defensive as it found itself under considerable focus. At times, different stakeholders challenged them regarding plans to commercialize the land covered by the ranch. This led to a policy of minimal engagement with the public and when they did do so, they received negative feedback due to the public's perceived belief that the Hearst Ranch had no regard for the intrinsic value of the land's beauty and wildlife.

According to Grunig (1976), only new, small, or less formalized problem-solving organizations are likely to hire public relations (PR) professionals and perhaps the lack of spin doctoring and stakeholder engagement contributed in some part to the rejection of the original development plan in the late 1990's by the State. In considering which theoretical framework would coincide with the Hearst Ranch Conservation Easement communication process, both systems theory and co-ordination theory were considered. Ultimately, I decided that the two-way Symmetrical communications model and the two-way Asymmetrical communications model would be the most consistent with the negotiation process of the Heart Ranch Conservation easement.

Table 2 outlines the characteristics of the four different public relations models as described by Grunig & Hunt (1984, p. 22).

Table 2

Characteristics of public relation models, by purpose, nature of communication, nature of research, & where practiced

Characteristic	Press Agent	Public Info	Two-way A	Two-way S
Purpose	Propaganda	Dissemination of information	Scientific persuasion	Mutual Understanding
Nature of Communication	One-way, not truthful	One-way, truthful	Two-way imbalanced	Two-way balanced
Nature of research	Little use	Little use	Formative & attitudes	Formative & understanding
Where practiced	Sports & theater	Government, nonprofits	Competitive situations	Regulated organizations

Notes: A = Asymmetrical; S = Symmetrical; Source: Grunig & Hunt, 1984, p. 22.

Two-way Asymmetric communications uses relevant research from others (two-way) in an effort to change the behaviors of the recipient to benefit the organization. This has been termed scientific persuasion and is used by communication managers seeking to bridge differences (Grunig & Hunt, 1984).

The practice of symmetrical communication is commonly considered the prime model for excellent and ethical public relations (Grunig & Hunt, 1984). All parties/stakeholders must benefit if this is to be considered successful, not only the main protagonists. Some refer to this as a utopian model, as it attempts to balance the effects of the communications process. Regulated businesses or agencies often adopt this model.

Conservation Easements

Conservation easements are a legally binding land covenant which ensures that ecologically important land remains undeveloped in perpetuity. Consequently, development rights for the land are usually transferred to non-profit land trusts or government entities.

California's rapid urbanization in recent decades, often referred to as urban sprawl, has increased the number of instances of urban developers competing with the agriculture industry for land. As the developers are typically able to offer a higher price for the land, both the agriculture industry and society, as a whole, is turning more and more towards conservation easements to protect the land from being converted to other purposes.

According to The National Conservation Easement Database (NCED), as of June 2014, there are approximately 40 million acres of private land currently protected by conservation easements, although the exact total is not well known. In a rapidly changing and complex environment, a stringent and static agreement in perpetuity is not always feasible. While the land trust community is increasingly aware of this challenge, there are currently no explicit state guidelines for amending easements.

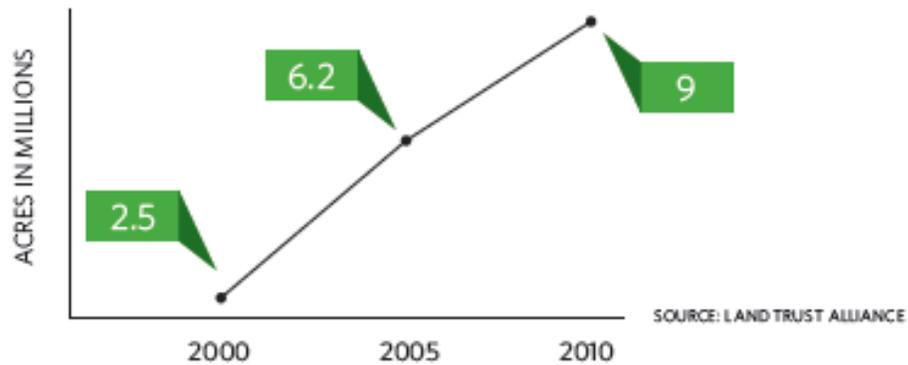


Figure 4. Millions of U. S. Acres protected by state and local land trusts, 2000-2010. (Land Trust Alliance, 2015).

Firstly, a landowner must acknowledge—any property interest can be taken by eminent domain if the perceived value of the agreement from a public perspective exceeds the value of the land or habitat under protection. In addition, there is a very real possibility that the sale price of the land will be reduced due to the lack of developmental opportunity the land now affords as the result of an easement. The difference in value forms the basis for the tax incentives agreed upon in the original agreement.

Greene (2005) puts forward the argument that dynamic conservation easements are much more capable of accommodating change over time compared to a traditional and static easement and therefore are more likely to fulfill the requirement of protecting the land in perpetuity. This view is echoed by research carried out by Pidot (2005), stating that easements should be evaluated in the context of indefinite time. Pidot highlights that perpetual easements require a viable long-term vision and not focus on the present or near term to avoid

leaving future generations with the struggle of managing easements for which the holders and terms of agreement may be difficult to discern (2005).

One of the most forthright proponents of rethinking the perpetual nature of conservation easements is Nancy McLaughlin (2005 & 2007), who advocates the application of charitable trust principles to easements. McLaughlin also cautions that current agreements are not appropriate in all circumstances, citing the example of the Myrtle Grove controversy in arguing that a more efficient process of amendments requires the creation of a new framework, as necessary, to accommodate inevitable change.

Although conservation easements agreements are generally tailored to meet the requirements of the landowner, it is becoming increasingly common in light of changing circumstances to seek amendments to perpetual easements. In its published report in 2007, The Land Trust Alliance (TLTA) outlined recommendations pertaining to amendments, specifically principles regarding adherence to federal and state law, consistency with intent of the donor and conservation purpose as well as not resulting in impermissible private benefit. Although the recommendations for amendments are helpful, there is a distinct lack of clear and consistent guidelines.

From a legal perspective, it has been argued that although Non-Governmental Organizations (NGO) often tout conservation easements as viable financial models to improve fiscal conditions for a landowner, they are not always the most appropriate course of action and it is wise to pursue all available

avenues for raising capital before deciding which option makes economic sense (McLaughlin, 2007).

In assessing how willing landowners are to enter into an easement agreement, landowners in several States, namely Wyoming and Colorado, were surveyed to gauge their knowledge, beliefs, and to uncover information on their land attributes (McLaughlin, 2008). The results pointed to a relatively uneducated set of individuals who held very few, if any, knowledge or understanding of the easement, and indicated that rather than the protecting their land for the benefit of society it was, in fact, financial gain that was the primary motivator for this land preservation tool. One of the limitations of this study is that the mailed survey had a low response rate of thirty percent and this may have skewed results.

Conservation easements are now the dominant tool used for private land conservation in the United States (Morris 2006). Morris stated the often heralded 'win-win' strategy that conservation easements bring are based on who is included on the calculations of the winners and losers and that this largely private agreement is much more public than we are led to believe. The rationale used to justify this stems from the inclusion of public funding in the process and the management of the easement in the long term. Morris goes on to emphasize the neo-liberal nature of the agreements and states that there are both winners and losers when implementing easements.

Whilst the focus of this study was the Hearst Ranch Conservation Easement, a relevant paper published in 2014, titled 'Perpetual conservation easements and landowners' researched the knowledge and satisfaction of

existing easement landowners in Texas (Stroman & Kreuter 2014). The researchers used a survey to collect responses of landowners and used a regression model to analyze the data and found that the results did not confirm to their hypothesis. The primary outcome was that female respondents were more likely to have a better understanding of easement terms and conditions. There was no mechanism to confirm whether this was empirically true or not, and despite the large response rate, the author did not identify any significant variables related to landowner's knowledge of their easement.

In California, the interaction between public and private interests needs to be further explored in order to assess the long-term viability of the conservation agreement as a land preservation tool, including legal, socio-political, and environmental impacts.

California Public Policy

It is pertinent to highlight the legislation that is currently in place to provide a framework for who can enter agreements, dissuade unnecessary conversion of agricultural land to urban, and to ensure long-term sustainability of the agricultural industry in California.

There are three legal frameworks that cover the conservation of agricultural land:

- (1) California Civil Code Section 815.3.,
- (2) California Government Code Section 51220.,
- (3) California Food and Agriculture Code Section 821.

Each of these legal frameworks is discussed below.

California Civil Code Section 815.3 promulgates which entities may acquire and hold conservation easements. In particular, it states:

California Civil Code Section 815.3.

Who may acquire and hold. Only the following entities or organizations may acquire and hold conservation easements:

(a) A tax-exempt nonprofit organization qualified under Section 501(c)(3) of the Internal Revenue Code and qualified to do business in this state which has as its primary purpose the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use.

(b) The state or any city, county, city and county, district, or other state or local governmental entity, if otherwise authorized to acquire and hold title to real property and if the conservation easement is voluntarily conveyed.

(c) A federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission to protect a California Native American prehistoric, archaeological, cultural, spiritual, or ceremonial place, if the conservation easement is voluntarily conveyed.

California Government Code 51220 articulates the importance of preservation of agricultural land for the benefit of the public. Primarily, this piece of legislation dissuades potential developers converting agricultural land for the benefit of the urban population. This policy emphasizes the importance of maintaining open space due to the physical, social, esthetic and biodiversity advantages. By placing value on wildlife habitat, the State makes clear that preservation is highly regarded, especially in the context of scenic highways. In

addition, Code 51220 mentions the importance of protecting the agricultural work force in order to maintain productivity in the sector. In particular, it states:

California Government Code Section 51220.

(a) That the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this state and nation.

(b) That the agricultural work force is vital to sustaining agricultural productivity; that this work force has the lowest average income of any occupational group in this state.

(c) That the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves in that it will discourage discontinuous urban development patterns which unnecessarily increase the costs of community services to community residents.

(d) That in a rapidly urbanizing society agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of this chapter, constitutes an important physical, social, esthetic and economic asset to existing or pending urban or metropolitan developments.

(e) That land within a scenic highway corridor or wildlife habitat area as defined in this chapter has a value to the state because of its scenic beauty and its location adjacent to or within view of a state scenic highway or because it is of great importance as habitat for wildlife and contributes to the preservation or enhancement thereof.

Finally, California Food and Agriculture Code Section 821 outlines the business proposition for protecting the agricultural industry. It exists to align the interests of the agricultural industry and its participants as well as supporting

those interests. Paying particular attention to subsection (c), the legislation highlights that conserving and protecting natural resources is key to ensuring sustainability of the ecosystem. In particular, it states:

California Food and Agriculture Code Section 821.

As part of promoting and protecting the agricultural industry of the state and for the protection of public health, safety, and welfare, the Legislature shall provide for a continuing sound and healthy agriculture in California and shall encourage a productive and profitable agriculture. Major principles of the state's agricultural policy shall be all of the following:

- (a) To increase the sale of crops and livestock products produced by farmers, ranchers, and processors of food and fiber in this state.
- (b) To enhance the potential for domestic and international marketing of California agricultural products through fostering the creation of value additions to commodities and the development of new consumer products.
- (c) To sustain the long-term productivity of the state's farms by conserving and protecting the soil, water, and air, which are agriculture's basic resources.
- (d) To maximize the ability of farmers, ranchers, and processors to learn about and adopt practices that will best enable them to achieve the policies stated in this section.

CHAPTER 3

Research Methods

This study used qualitative field research methods to obtain the data required to answer the following research question: This study was guided by the following research question: Is there any evidence that the organizations involved in the Hearst Ranch Conservation Easement altered their negotiation stance when they received feedback from another organization?

In determining the research design, I have used both document analysis and data gathered from interviewing a variety of stakeholders to develop a qualitative outcome. The research will follow both the inductive and deductive process of discovering theory from the data. Babbie describes grounded theory as an inductive approach to research in which generates theories solely from an examination of data rather than deriving them deductively (2013). This approach will emulate the constant comparison methodology, an element of grounded theory, to form a descriptive framework for the analysis.

Qualitative Research

Qualitative research is appropriate for the study of organizational communications due to the depth and detail of data it provides, the thick descriptions of the issues between the organizations, and helps to understand the situations, contexts, interactions, and behaviors found in organizational communications (Denzin & Lincoln, 2011; Merriam, 2009).

Grounded Theory is a general methodology concerned with a means of looking systematically at qualitative data with the objective of generating a theory. The benefit of this model is that it offers precise strategies for managing the analytic phase and provides unambiguous guidelines for conducting the research. In contrast, it has inherent limitations in that it relies heavily on empirical data, and has a formulaic nature as well as a poor resemblance of open and creative interpretation; commonly thought of as the stamp of qualitative research (Glaser & Strauss, 1967).

Research Design

This study is concerned with analyzing the accumulated existing information and data regarding the negotiation process leading up to the successful agreement and implementation of the Hearst Ranch Conservation Easement. A qualitative approach is utilized to gather evidence in the form of official documentation released by the Hearst Ranch, various State agencies, press releases, published sources, and two interviews with stakeholders intimately involved in the process. This study largely relied on guided conversations/unstructured interviews with the participants throughout the dialogue.

This study intended that the research would uncover documentation and first-hand knowledge of the events leading up to the signing of the agreement, thereby providing an insight into how the interactions between key stakeholders (feedback) may have shaped the outcome.

Data Gathering

In assembling a criterion for the data collection, there were some considerations to note. The data sources would consist of reputable media outlets and only official communications released by State agencies and the Hearst Ranch would be considered valid for purposes of analysis.

After a comprehensive search, public documents were discovered from the following organizations:

- Hearst Ranch
- California Range Land Trust/ALC
- State of California
- Other Organizations
- The Final Conservation Easement Documents

Further anecdotal information was uncovered upon interviewing two key stakeholders in the process: Steve Sinton—founding chair of The California Rangeland Trust—and Marty Cepkauskas—Director of Real Estate at Hearst Corporation—who was able to provide insight as to the early stages of the negotiation phase of the agreement, wherein a different non-governmental organization, the Nature Conservancy, was the primary easement holder.

Document Analysis

In order for the conservation easement agreement to come in to law, the draft proposal had to go through the approval process of three public hearings involving state agencies: first, the Department of Recreation and Parks, Caltrans

and State Resources Agency at a meeting in Cayucos. Secondly, the Wildlife Conservation Board and lastly the Coastal Conservancy. During these three stages, much debate and negotiation ensued at public hearings, held on July 15, August 12, and September 15 of 2004 respectively and led to alterations in the proposed easement terms and conditions prior to being allowed to pass. The root cause of those changes will be studied for evidence of either two-way Asymmetric or two-way-Symmetric communication.

Interviews

In addition, I contacted the people and organizations mentioned in the documents and related press releases to get their respective input regarding the interior or starting point for negotiations.

CHAPTER 4

Data Results

This chapter presents the key results of the research. The results are presented in both text and tabular format and are segregated into four distinct categories. The categories; Hearst Ranch, The Rangeland Trust, California State agencies and 'other organizations' have been separated to allow the results of the research to be analyzed and evaluated on a case-by-case basis. Thereby allocating data to each category based on two factors; which organization released the information (communication via press release), and the key themes covered in the document.

Information and communications relating to the public or other third party are assigned to the 'other organizations' category.

Hearst Ranch

Initially, the Nature Conservancy was brought on board to act as the monitoring agency and to manage and enforce the terms of easement agreement. However, the Nature Conservancy raised concerns regarding the terms of the deal being negotiated, namely; not allowing biologists to monitor ranch practices that harm wildlife, and failing to ensure the proposed new houses do not impact important habitat. Consequently, the Nature Conservancy decided not to proceed as a stakeholder in the negotiations.

Having interviewed Marty Cepkauskas, Director of Real Estate for the Hearst Corporation, this stance was verified and he confirmed that the Nature

Conservancy "...did not see eye to eye on elements of the [conservation] agreement and were unable to enter the transaction."

Karen Scarborough, Resources Undersecretary at the time and appointee to the conservancy board played a key role in balancing each sides demands and navigating a path towards a successful conclusion. After the California Coastal Commission meeting on Wednesday, September 15th, 2004, Scarborough stated: "This is a very carefully balanced win-win. Not everybody's happy, but in 100 years when our grandkids are here, they'll be happy with us" (Thompson, 2004).

The acting conservancy chairman, Douglas Bosco, also joined Scarborough in opposing some of the amendments to ensure the negotiations didn't break down. According to media reports the following day, the Hearst Ranch had made a few concessions, including agreeing to increase the number of public tours on restricted areas of the property and easing the restrictions on daily use by the public (Thompson, 2004).

Steve Hearst was interviewed shortly afterwards and stated that he was grateful for the outcome and that his corporation board was unlikely to make any further concessions, saying, "I understand everybody wanted more, but there was no more to give" (Weiss, 2004)

Further insight into the detail of the agreement was gained from the interview with Marty Cepkauskas, in which he identified the most significant concession that the Hearst Ranch had to make was the transfer of acreage to the State in the region of 900 acres. Cepkauskas explained that quite far into the

negotiation stage, around late 2003/early 2004, State agencies, specifically Cal Trans and State Parks decided that instead of a conservation easement covering the entire ranch; they wanted an ownership transfer (fee simple) of 950 acres. The only areas that were exempt as part of this agreement were Simeon Point, Ragged Point and Pico Cove, which Hearst Ranch managed to retain ownership of.

Cepkauskas cited this as the biggest compromise but also mentioned the expansion of the plot of land allocated for the visitor center, which belonged to State Parks as another concession. Despite initially refusing to allocate an additional 20 acres for future expansion of the visitor center, the Hearst Ranch eventually agreed to ensure an agreement materialized and this rather obscure but important condition appears in the conservation easement deed.

The location of the residential homes was also cause for debate according to Cepkauskas. He stated that this topic went through a few iterations and originally Hearst demanded to retain the right to build the homes anywhere on the ranch. Twenty-five of the 27 homes were set aside for the five branches of the Hearst family and the remaining two were earmarked as ranch manager homes. Cepkauskas further stated: “The pushback from the state agencies was that the homes had to be in clusters, not be visible, and had to undergo environmental surveys prior to construction” (Cepkauskas, 2016, personal conversation).

The Hearst Ranch eventually agreed to these conditions as seen in the final Hearst Ranch Conservation Easement (California Natural Resources Agency, 2016g).

Table 3 outlines evidence from two articles indicating that both the Hearst Ranch and opposition parties had changed stance towards the end of the negotiation phase.

Table 3

Key negotiation themes for opponents of the Hearst Ranch Conservation Easement

Document Name	Date	Key Theme
Hearst Ranch conservation project marks 10-year anniversary.	February 18, 2015	A vocal opponent before the deal was Pam Heatherington of Environmental Center of San Luis Obispo, who now concedes that the outcome was a good one, albeit not an ideal one from her perspective, as some development was still allowed into the agreement framework.
Conservancy to Pay \$34.5 Million Toward Hearst Ranch Open Space.	September 16, 2004	In order for the state Coastal Conservancy to pay the \$34.5 million toward the transaction, they asked Hearst Ranch to forfeit the 400 homes proposed. Hearst Ranch agreed to this in order to get closer to an overall agreement.

Sources: Tanner, K., 2015; Weiss, 2004.

Rangeland Trust

Steve Sinton provided an interesting insight into proceedings, founding chair of The California Rangeland Trust (Sinton, private conversation, March 3, 2016.).

Having interviewed Sinton to assess his perspective on the discourse at the time of negotiations, it became apparent that compromise and continued stakeholder engagement were key to the successful outcome. When asked if his involvement with the Margarita conservation easement (encountered numerous legal issues and local opposition) had shaped the approach Sinton adopted when entering discussions on the Hearst Ranch easement, his response was unequivocally, yes. Sinton elaborated that the Hearst Ranch was "...very sophisticated in anticipating the opposition and being sure all supporters were mobilized and present for the many hearings."

Regarding the topic of perpetuity and future development, I asked Sinton if he believed there is a possibility that in the future, an amendment to the agreement would be made and more specifically, in hindsight, did he feel the level of flexibility for development was sufficient and appropriate.

His response encapsulated the consensus amongst the local community and stakeholders: "The Hearst easement allows for many more houses than the Rangeland Trust would normally allow, but this was not a normal deal. First, Steve Hearst had to get the buy in of five different family groups, so he felt he needed to allow each of them to have an opportunity to participate in and enjoy the ranch in the future. Second, Hearst was only receiving a fraction of the value of the ranch, and in fact, only a fraction of the value of the coastal strip they were

giving up, so it seemed that the additional houses were a small concession for what was to be achieved. I think there is neither desire nor really any likelihood that any of that would be renegotiated.”

Sinton is also adamant that the level of mistrust at the start of the process contributed to a less than ideal outcome for the Rangeland Trust. He pointed out that the photo monitoring points which were demanded by the opposition are not only difficult and time consuming to physically reach, but also provide minimal additional benefit. Although he admits that the Rangeland Trust would have preferred to monitor these every 5-10 years, the State did allow the concession, primarily due to fear of criticism by the opposition.

State of California

Initially it was reported that the Hearst Ranch was holding out for between \$100 to \$150 million for the development rights of the ranch. Eventually a figure of \$80 million and an additional \$15 million in tax credit was agreed upon (Johnson, 2003).

This is clearly a complicated and detailed negotiation process that included a number of stakeholders who can potentially be referred to as ‘fringe players’. Both proponents and detractors are classified in this camp and include; The Sierra Club, the Natural Resources Defense Council, Surfrider Foundation, and the California League of Conservation Voters.

The chairman of the Coastal Conservancy, Mike Reilly, led the discussions for further compromise from the Hearst Ranch. In these, he looked to give State Parks the power to determine the position of the Coastal Trail through

the Ranch. The proposal stalled on a 3-3 vote during the September 2004 public hearing in Sonoma, with three board members unwilling to give the state this authority. It is noted that the seventh board member was absent during this vote.

Reilly also pursued greater influence in potential water transfers for the state, but in the course of the Conservancy's lengthy six hour meeting, as noted earlier, Scarborough emerged as the deal's champion. By stressing it was acceptable for the Rangeland Trust to serve as the enforcement authority because the Hearst Ranch might not trust the state and joining Rangeland Trust Executive Director, Nita Vail, in opposing additional restrictions on water transfers (Shigley, 2004).

Table 4

Key negotiation themes for the State of California regarding the Hearst Ranch Conservation Easement

Document Name	Date	Key Theme
State board advances purchase of fabled Hearst Ranch.	August 12, 2004	The WCB board added two conditions before approving the funding for the conservation easement on a 3-0 vote hours of testimony and arguments.

Sources: Rogers, 2004.

Other Organizations

As seen in Table 5, Shirley Bianchi, a longtime critic of the Hearst's and their development plans, became a proponent of the conservation easement and consequently urged others to allow the process to continue as she believed it to be in the best interests of the local community to agree the deal being put forward.

Table 5

Key negotiation themes for third parties regarding the Hearst Ranch Conservation Easement

Document Name	Date	Key Theme
Hearst plan's 5 th year: Nothing new.	February 18, 2010	Shirley Bianchi, former county supervisor and Hearst Ranch neighbor was a development critic at first, but after Steve Hearst took her on a tour of the ranch and talked to her about his intentions and passion for the ranch she became a staunch supporter of the transaction. Shirley stated: "...Hearst deal is the poster child for conserving agricultural land ...and the extraordinary biodiversity."

Sources: Tanner, 2010.

Final Conservation Easement

The Hearst Ranch Deed of Conservation Easement was signed and granted on the 18th February, 2005 (California Natural Resources Agency, 2016g). Following the closing of Escrow and granting of the deed, Governor Schwarzenegger stated the 82,000 acre land "... magnificent property will forever

be preserved” (California Natural Resources Agency, 2016). The key outcomes are summarized in Table 6.

Table 6

Key themes of the final Hearst Ranch Conservation Easement, by state agency

Key Theme	State Agency
The Hearst Ranch donation of 18 miles of beachfront land to state parks, which will provide daytime public access	Caltrans paid \$23 million in federal transportation funds to protect the view from Highway 1 and a \$15 million state-tax credit granted for the southernmost 900 acres of the ranch.
Continued coastal access along 5 of the 18 miles of coastline, with restrictions on the number of people allowed on some sections.	The Coastal Conservancy altered deal slightly to require more public access and removed restriction of no public access from 30 minutes prior to sunset and 30 minutes after sunrise (Will now close after dark).
Conservation easements severely restricting future use of 80,000 acres of scenic ranch land.	The Coastal Conservancy and Wildlife Conservation Board each paid \$28.5 million for the east-side easement with voter-approved bond money.
Transfer of 1,500 acres to the state, including beaches along 18 miles of California coastline.	Hearst Ranch will donate land to State Parks, WCB and Coastal Conservancy.
Permission to construct a 100-room inn in Old San Simeon Village.	
Construction of 15 new employee homes and 27 residential homes on five-acre plots, located outside public views of Hearst Castle and Highway One.	

Sources: California Natural Resources Agency, 2016a, 2016b, 2016c, 2016d, 2016e, 2016f, 2016g, 2016h, 2016i, 2016j, 2016k, 2016l, 2016m, 2016n, 2016o, 2016p.

CHAPTER 5

Findings and Recommendations

Introduction

This chapter provides a review of the purpose of the study and the research question posed in chapter 1. The chapter continues by describing the results of the study and the conclusions drawn. It concludes with an evaluation of the limitations of the study, recommendations for future research and conclusions drawn from carrying out the study as well as implications of the findings.

Purpose of the Study

The purpose of this study was to show how organizations involved with the Hearst Ranch Conservation Easement negotiation might have used the feedback loop characteristic of two-way Symmetrical communication theory to reach consensus on the Hearst Ranch Conservation Agreement.

This study qualitatively analyzed documents that are publicly available to determine the nature and subject of these prevailing discussions and how the use of a particular communication method may have shaped and governed the overall relationship. This covered aspects such as: the organizational engagement, building and maintaining relationship, negotiations leading to the final conservation agreement.

Research Question

This study was guided by the following research question: Is there any evidence that the organizations involved in the Hearst Ranch Conservation Easement altered their negotiation stance when they received feedback from another organization?

Findings

From the evidence presented in Chapter 4, it is reasonable to infer the two main sides in the negotiation of the Hearst Ranch Conservation Easement were receptive to feedback, and as part of the ongoing and lengthy process, and, did, in fact, compromise on many issues. In addition, secondary stakeholders, the California Rangeland Trust and the public were also instrumental in shaping the outcome. Flexibility, pragmatism and willingness to achieve a successful outcome was essential to ensure the draft proposal cleared the three approval rounds and public hearings.

Although the majority of negotiations were primarily held in private, the documents analyzed in this study as well as the individuals interviewed lead to the conclusion that two-way symmetrical communications was the primary driving force behind the successful completion of the conservation easement.

Throughout the public hearings, it has been noted that both sides in the debate had to make concessions in order to reach consensus and it is this process of compromise and mutual gain that exemplifies two-way symmetrical communication.

However, at times, during the negotiation phase, it was observed that less influential stakeholders were not always engaged in two-way symmetric communications. Rather, the use of press releases by Hearst Corporation to communicate with some members of the public and opposition groups that were not part of the approval process exemplifies one-way communication. This strategy may have been employed by Hearst due to the other parties' lack of willingness to cooperate in the process and their desire to derail the negotiations.

Recommendations

The purpose of this study was to show how organizations involved with the Hearst Ranch Conservation Easement negotiation might have used the feedback loop characteristic of two-way Symmetrical communication theory to reach consensus on the Hearst Ranch Conservation Agreement.

At the start of the process, none of the participants consciously decided to adopt any particular communication model as a framework for talks. That is not to say that a model cannot be predicted, an outcome can still be postulated based on predictive behavioral norms and the assumption that all parties involved were open to compromise.

As Hearst Ranch was the only subject of this study, the findings confirmed a consensus seeking two-way symmetric model most effectively describes the process. However, it is pertinent to expand the sample size and carry out research on additional large easement agreements to establish whether this model can be extrapolated to other situations. This will lead to a more definitive

conclusion and the role communication theories play in negotiating perpetual easements to preserve land.

An additional valid and relevant research point recommended for further study is to explore the possibility that an altogether different communication model can be equally applied to the process of negotiating easement and still bring about the same successful outcome for all parties with different expectations.

Limitations

This study has limitations. First, it only analyzed publicly available data in addition to anecdotal information provided by witnesses present during the process. It is possible that private and/or confidential documents were created to further the communications between the organizations intimately involved with negotiations. These documents were not analyzed.

Second, these documents describe what *these* particular organizations publically released via media outlets as well as recorded data on public input in the process. Different organizations, in different locations are likely to have different goals, constraints, and public policy values (Denzin & Lincoln, 2011). Because of these differences, it is hard to generalize this study to other organizations or situations.

Finally, to gain an in-depth understanding of the dynamics of the relationships and key personalities involved, it is recommended that a larger interview sample size consisting of stakeholders representing every interested party would be beneficial to draw conclusions that are more definitive. Additional

and extensive interviews will provide a better insight into behind-the-scenes discussions and the thought processes of the decision makers.

Conclusion

Conservation easements are complex situations and each has separate and distinct objectives, constraints, concessions and public values. Different methods of communications are used to engage with a vast number of stakeholders during the negotiations.

The dichotomy that exists between two-way Symmetric and two-way Asymmetric communication/public relations model is symptomatic of the differing outlooks and objectives of large organizations. Whilst competitive businesses embrace two-way Asymmetric methodologies of communication to further their best interests, the same cannot be said of the Hearst Ranch in this specific instance.

Although undoubtedly there is and was a business element behind the decision to pursue sale of development rights on the ranch, the data collected reveals that the co-operative nature of dialogue pursued by Hearst was fundamental to achieving the win-win scenario that formed the foundation of talks at the beginning of the process. The emphasis on mutual gain underlines the belief that in public-private partnerships, you do not always have to have a zero-sum game.

It is not unreasonable to conclude that there is strong evidence that two-way Symmetrical communication model is a practical and functional means of achieving mutual gain. For organizations who monitor and hold easements such

as the California Rangeland Trust, this approach is therefore a sensible model to assume in future conservation easements.

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