

**Transcript of a telephone call from Rick Werwaiss, Executive Director,
Eastern New York Chapter of the Nature Conservancy to Kobutsu
Malone.**

July 2, 2012 – 03:16 PM EST

R: This is Rick from the nature conservancy calling.

K: Oh... Yes... Hello.

R: How are you this afternoon?

K: I'm fine thank you.

R: Good... I'm following up on the letter that you sent to our president and CEO, Mark Tersek.

K: Yes, the two letters.

R: Two letters – correct. I'm the director of our Eastern NY Chapter, which includes the Catskills, and you reference a potential deal... land transaction... that we are engaged in discussion with the monastery about.

K: Right.

R: I wanted to follow up with you on that. The whole situation seems unfortunate for everybody involved and we are...ah... You know, our mission is to protect and preserve the lands and water on which all life depends and that property has been identified through some pretty rigorous science that we bring to bare on our programs as one of the key parcels left in the Catskills that needs protection and that's where we're coming from - specifically around protecting the larger habitat in the Catskills - but for the drinking water for people in NY City - but also as part of the Appalachian chain - just so you know where we're coming from.

K: No, I understand it. I know that land better than anybody. I was the caretaker there. I've walked every single kilometer of that property. I've done a complete tree survey of the entire 13,086 acres. I know every inch of it. The idea that it needs protecting is absurd. It's surrounded on all sides by forever wild State forest - there's nothing in there that's in any danger from anything. And it's not going to be sold in any way for any kind of commercial activities. The point of the matter here is that what has happened up there is of such magnitude, and so much pain and hurt has been caused to many, many people, including myself and my family, that we're not about to sit still and watch the Zen Studies Society use those resources - even against their former Abbot's wishes - to enable them to support him at a rate of \$90,000.00 a year. That is simply intolerable. And, that

man has damaged 100's, upon 100's, of people... very grievously, and my family in particular.

R: Sorry to hear all this.

K: He slept with my wife, then I sent my sixteen old son up there to be trained as a monk. It was during a high school summer vacation, and my son was given alcohol and raped by an HIV positive monk up there. A number of years later Mr. Shimano proceeded to write a character assassination letter against me after I'd been working in the State prison system for over ten years. He has hurt my family immensely and he has hurt countless others. We cannot allow any kind support for him in his retirement, and that's really what this is all about. There are lawyers who are in the process of looking at this case and it is eventually going to wind up in a courtroom. I would hate to see the Nature Conservancy getting involved in that because you're only going to come out looking really bad.

R: Well, I appreciate that. The only way we could ever move forward on any sort of transaction with the monastery is if there was absolutely clear title on the property, and so if there are any reasons that the property didn't have clear title we wouldn't be able to move forward. It's really the only barrier that the conservancy could consider in the situation. We're not a jury; and we're not a judge.

K: No, but you are susceptible to public opinion, and we're prepared to mount a massive campaign to affect public opinion. It's just the wrong thing to do. It's not the right thing to do.

R: Well, to be direct with you our mission statement is the right thing to do if it includes protecting land like that because the future ownership of it is in doubt, then that's the right thing for us to do. What happens to the proceeds afterwards would be your concern, and that's where...

K: No – No. It's your concern. It's your money. It's the money from your donors who are going to be supporting the upkeep of a serial sexual protector.

R: No.

K: Yes – Yes.

R: You may care to characterize is as such but that's really for you and the monastery to figure out.

K: No – No – No. You're involved. You're the ones with the money. Leave it alone, leave it alone. I'm telling you, you'd be better off.

R: Alright... I hear your message. I appreciate that you've been so direct with me and we'll take it from here.

K: Do you intend to respond to my letter in writing?

R: Nope, I don't.

K: Why not?

R: There's no need to.

K: OK, so I can take this conversation and publicize it.

R: My conversation with you is between you and me. If you chose to publicize it I can't stop you.

K: Correct.

R: It's not my wish for you to do so.

K: I understand. It's not my wish to do so either, but... Again, the truth has to be known.

R: You're telling us a very awful tale and situation that's arisen there, and I've read the article in the NY Times.

K: You haven't read...you don't know the complete picture. What's in the archives is not the complete picture.

R: What I do know is only from your letters and the NY Times article.

R: Well... then... there's far more to it that you need to become familiar with. There's rape, there's suicide, there's a lot of things.

R: Again, this is not an area in which we have any expertise whatsoever, and this is what the people in the court system...

K: You don't need expertise, you just need humanity.

R: I can't judge the situation.

K: No, you can't judge it. It's not about judging. It's about making a reasonable call on a given situation. It's a dangerous situation. You don't need to protect that particular 1,400 acre plot. It's not that important, not in the big picture, not right now. Later on when things are cleared maybe something will be possible. But right now it is only going to support an incredible incredibly damaging situation that is not rectifying itself through any kind of efforts on behalf of any... coming from the Zen Studies Society.

R: I'm sorry to hear all of this, but it is an important parcel and it's been identified as such. We take everything into account when we consider what we're going to do but we can only... our expertise is in ecology and habitat.

K: I understand but this is more than just ecology and habitat. There's a history here and there's an incredible amount of human suffering that has been caused by that property.

R: And again, this is not an area in which we have any expertise and can offer any constructive comments.

K: Well... That's unfortunate. It's not a healthy situation and I think it behooves you to pass on it for awhile. That land has been sitting up there for millennia. It's not going anywhere. It's still pristine, relatively, as much as any northern hardwood stand in the Catskills can be called pristine.

R: Correct.

K: But, it is secondary growth forest. It's not being logged. It's had some irresponsible management over the years – not my doing – I had a program set up there on a 14 year recyclable basis – it was never followed through. But, the land is still there and the trees will recover. And, it's not about to be turned into an amusement park or an industrial site or anything of that nature. The Land is grossly unsuitable for development. It's mostly vertical.

R: My staff are very familiar with the parcel as well. Maybe not as intimately familiar as you are, but more than familiar enough to identify it's importance in the forest block matrix. Quite honestly, part of our consideration will have to be what impact any legal actions have - will it put the land into play - is definitely going to be part of our consideration in how to move forward in determining whether or not it needs to be protected.

K: Have you seen any of the original documentation from Dorris Carlson concerning the use of that property?

R: Ah... No... Any discussions we've had have not reached that far.

K: OK.

R: You should also understand that the conversations that we're having are not anywhere near final.

K: Believe me, I know that.

R: OK.

K: I know that.

R: We're not far along enough to have done any work on title or anything like that – that would all be part of such discovery.

K: There are problems in that area and they are going to be hidden by the Zen Studies Society and their board. And this is part of the program and part of the stuff they've been doing all along.

R: Right... If the discussions ever progress far enough and it made sense for anybody involved, the fee owners or this organization, we have a professional title search company and their insurance... our insurance.

K: I understand. It's a little bit more than title involved. There's also caveat's involved in how the money was going to be spent. That's going to involve a little bit more than title.

R: Alright... well... If for whatever reason it becomes apparent that the conversations move forward long enough and the property is at risk enough it would probably behoove us to inform anybody doing due diligence on our behalf. But again, our expertise is in ecology, habitat and land protection, so...

K: I understand.

R: ...and not in the inner workings of the monastery, or it's governance models, or any of that.

K: Well OK, if you're concerned about the land protection, you'd better have a look at the monastery's sand filter that's putting effluvia into the stream.

R: *(pause)* All right... I'm not sure where you actually have access to it, but that's not a great thing to hear.

K: Well... take it from someone who knows. That monastery is contaminating those streams... and has been for years.

R: Alright... I appreciate that you've reached out to us and that you've told us the situation as far as you're aware of it and all the implications that it has. If we are moving forward on the property, and I don't know that we are, it will depend on what we think the risk assessment is on the property itself - and I suppose that's entirely dependent what happens with the legal machinations going on with the Zen Monastery. We'll have to take this all into account.

K: That would be very wise

R: OK... I appreciate it

K: Alright, thank you.

R: I wish you all the best of luck, and as much peace and you can find.

K: Thank you very much. You too.

R: OK, have a nice day

K: Bye Bye.