



SAN FRANCISCO ZEN CENTER

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### WAIVER OF LIABILITY/ASSUMPTION OF RISK

Visitor's Waiver

#### 1. **Voluntary Participation**

I, the undersigned, am voluntarily visiting the San Francisco Zen Center's Tassajara Zen Mountain Center, Carmel Valley, California ("Tassajara").

#### 2. **Inherent Risks**

Tassajara is located at the bottom of a deep gorge, with steep rock walls and a creek, Tassajara Creek, flowing through the floor of the gorge. At all times, both in Tassajara and in the surrounding areas, there is a high risk of falling rocks, boulders and other debris and, after rainfall, a potential for flooding. In addition, only one road (un-paved) provides access to and from Tassajara, and this road periodically becomes blocked, limiting evacuation, access to healthcare and other regular and emergency services.

#### 3. **Increased Risk Due to Soberanes Fire**

From July to October 2016, the Soberanes fire burned 132,127 acres in Monterey County. In light of the widespread damage caused by the fire, a Watershed Emergency Response Team was deployed to evaluate what additional risks resulted from the fire and affected burn area. Their report (the "WERT Report"), issued September 2016, concludes that:

The principal concern with the Soberanes Fire area is an increase in the potential for inchannel streamflow, hyperconcentrated flows, debris torrents, and debris flows derived from erosion. Also of concern is the long-term loss of mechanical support of hillslope materials that was provided by vegetation and vegetative litter.

While Tassajara Zen Mountain Center is not mentioned specifically in the report and is not considered to be in an area of high or even moderate burn severity, the road into Tassajara in places runs adjacent to a burn area, making the road more susceptible to flooding and erosion due to the above factors. In addition, as noted, Tassajara is located at the bottom of a steep gorge, and Tassajara Creek, at the bottom of the gorge, receives runoff from numerous small creeks and streams within the extended watershed. During times of high rainfall,

increased runoff and debris flow throughout the waterways due to loose fire debris, fire-induced soil water repellency and loss of surface cover is expected.

A copy of the full WERT Report is available on-line at the following address:

[http://www.fire.ca.gov/communications/downloads/Watershed\\_reports/20160930\\_Soberanes\\_WERT\\_Final.pdf](http://www.fire.ca.gov/communications/downloads/Watershed_reports/20160930_Soberanes_WERT_Final.pdf)

#### 4. Assumption of Risk/Liability Waiver

I have read the above extract and summary from the WERT Report and I am aware that because of the factors it identified, there is currently a higher than normal risk to physical safety and life by visiting Tassajara and surrounding areas, as well as residing in Tassajara during the current Practice Session. In particular, I am aware that in addition to the normal risks from falling rocks and boulders, there is now a heightened risk of flooding and injury or death associated with flooding, as well as a heightened risk that the only road in and out of Tassajara may become impassable for indefinite periods of time, cutting off evacuation, as well as access to healthcare and other emergency services.

BY MY SIGNATURE BELOW, I HEREBY ACKNOWLEDGE AND AGREE TO THE FOLLOWING:

- I AM VOLUNTARILY PARTICIPATING IN THE ACTIVITIES AT TASSAJARA WITH FULL KNOWLEDGE OF THE RISKS INVOLVED, AS ABOVE DESCRIBED, AND I HEREBY AGREE TO ACCEPT ANY AND ALL SUCH RISKS.
- I, ON BEHALF OF MY SELF AS WELL AS MY ASSIGNESS, HEIRS, DISTRIBUTEES, GUARDIANS AND LEGAL REPRESENTATIVES, HEREBY RELEASE SAN FRANCISCO ZEN CENTER, ITS EMPLOYEES, AGENTS AND DIRECTORS FROM AND AGAINST ANY AND ALL LIABILITIES, ACTIONS, CLAIMS OR DEMANDS, AND I PROMISE NOT TO SUE OR ASSERT ANY SUCH ACTIONS, CLAIMS OR DEMANDS AGAINST, OR ATTACH THE PROPERTY OF, SAN FRANCISCO ZEN CENTER, ITS EMPLOYEES, AGENTS OR DIRECTORS, ON ACCOUNT OF PHYSICAL OR MENTAL INJURY, DEATH, ACCIDENT, ILLNESS, ECONOMIC LOSS OR DAMAGE TO PERSONAL PROPERTY RESULTING FROM MY PRESENCE AT TASSAJARA (INCLUDING TRAVEL TO AND FROM TASSAJARA) AND/OR MY PARTICIPATION IN THE PRACTICE SESSION AT TASSAJARA, DUE TO OR ARISING OUT OF THE RISKS DESCRIBED ABOVE.
- I HAVE CAREFULLY READ THIS DOCUMENT, AND I AM SIGNING IT FREELY.
- I understand that this document is written to be broad and inclusive. I agree that if any provision of this document is held invalid or unenforceable, I will continue to be bound by the remaining terms.

San Francisco Zen Center  
Agreement and Release from Liability