

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of:

MV ETHAN ALLEN,
LAKE GEORGE, NEW YORK,
OCTOBER 2, 2005

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* Docket No.: DCA 06 MM 001
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Interview of: JOHN CHRISTOPHER MONTANA

Fort William Henry Resort and
Conference Center
Lake George, NY

Friday,
October 7, 2005

The above-captioned matter convened, pursuant to
notice, at 8:25 a.m.

BEFORE: MORGAN TURRELL

APPEARANCES:

MORGAN TURRELL
National Transportation Safety Board

SGT. WALTER SCHEDEL
New York State Park Police

SEAN QUIRK
Shoreline Cruises

MAURICE ALDRICH
Warren County Sheriff's Office

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I N T E R V I E W

(8:25 a.m.)

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2
3 MR. TURRELL: Good morning, it's October 7. We're in
4 Lake George, New York. It's 8:25. We're interviewing Mr. John
5 Christopher Montana, the witness to the Ethan Allen incident on
6 October 2. My name is Morgan Turrell, National Transportation
7 Safety Board. And to my right?

8 MR. S. QUIRK: Sean Quirk, Shoreline Cruises.

9 MR. ALDRICH: Investigator Mo Alders, Warren County
10 Sheriff.

11 SGT. SCHEDEL: Sergeant Wallace Schedel, New York
12 State Park Police.

13 BY MR. TURRELL:

14 Q. Okay, Mr. Montana, would you introduce yourself,
15 spelling your name, please.

16 A. John Christopher Montana, J-O-H-N
17 C-H-R-I-S-T-O-P-H-E-R M-O-N-T-A-N-A.

18 Q. Okay, and what city and state do you live in?

19 A. Lake George, New York.

20 Q. John, what's your occupation?

21 A. I guess restaurateur. I own a restaurant, J.C.
22 Montana's.

23 Q. And where were you on October 2?

24 A. I was up in Mason's Bay with my family getting ready
25 to come down to the BluesFest.

1 Q. And you were getting ready to come down to the
2 BlueFest by vehicle, by car, by boat?

3 A. By a 28-1/2 foot Chaparral.

4 Q. Now how many people were going to go with you?

5 A. It was myself, my wife, my son, my daughter, my
6 father, my stepmother, and my brother's wife to be.

7 Q. Okay. And just -- if you would, just step us through
8 that day in as much detail as possible, what you saw, what you
9 heard.

10 A. When we left, my son doesn't like going fast in the
11 boat, so we pretty much went idle speed down to --

12 Q. Just start with what time you left on your boat and
13 where you were.

14 A. We were at Mason Bay at Cramer's Point, probably
15 about 10 after 2:00. We left probably going about 700 rpms,
16 maybe, not even planed off, yet, enjoying the day coming on
17 down. Roughly at the Lake George Club, which would bring you
18 probably about here, we decided to go a little bit faster,
19 where I was at about 1600 rpm's.

20 Q. Is it the Marion House there, the Lake Mill?

21 A. Yes, I believe.

22 Q. I'm just trying to use references on the chart there,
23 so that we can keep them all --

24 A. It's kind of -- it's in this range here, the Lake
25 George Yachting Club. We were up to about 1500 rpm's and

1 (indiscernible) down. Roughly right past (indiscernible)
2 Motel -- we were probably 300 -- from (indiscernible) Motel,
3 which is inlet, it's probably about 500 yards offshore. As we
4 were coming towards Cramer's Point, north of Cramer's Point,
5 the Mohican was coming up. And everybody in the boat was
6 talking and as I was driving, I had to pull my throttle back
7 and turn into the waves. As we turned into the waves, the bow
8 went up. I dipped the bow of the boat down the first time. It
9 came back up. Dipped the bow of the boat the second time, and
10 after the third time we didn't realize that my daughter was
11 underneath in our cabin. I made sure she was all right. We
12 all kind of talked, didn't think anything of it. The Mohican
13 at that point, which would be probably about here -- I was
14 probably about 300 yards out now because of the difference
15 where it comes up to the point. I was about here. The Mohican
16 was between myself and the land. So we idled down -- by the
17 time everybody -- that was probably 2:54, 2:55, in that range.

18 As we started to get back up to speed, when we
19 started around Cramer's Point, we noticed something aqua
20 blue -- aqua blue. We didn't really know what it was. We saw
21 a couple of boats around. As we came closer is when I called
22 911 and I said there's an overturned sailboat. Because years
23 ago and still now the bottoms of sailboats are painted aqua
24 blue. We didn't know anything about it. We kind of watched
25 what was going on, and the boat was already upside down and the

1 bow had started to go under already. And the boat was bouncing
2 and turned around and said Ethan Allen on it. I happened to
3 know Sean's phone number. I called him. He didn't answer. I
4 asked my wife for Shoreline's number. I called Jim. I talked
5 to Marianne. Marianne gave me Jim. From that point there was
6 divers overhead. I heard some -- at the beach they were
7 blowing some whistles. Another boat went over, picked up four
8 divers. I went over to get more divers. They signaled us off.
9 Maybe they weren't able to go out or maybe they were students.
10 I don't know why. We turned back around to go back and help.
11 At that point the rescue boat was on its way from the south,
12 another trooper was coming over from the east side. And we
13 pretty much stayed there for probably about 20 minutes. There
14 were diesel fumes and everything. My wife and my children were
15 worried, told the children what was going on, and proceeded
16 back down to the village.

17 Q. I just want to clarify here that you were proceeding
18 southbound between Diamond Head and Cramer Point?

19 A. Correct.

20 Q. And can you estimate your speed southbound?

21 A. I was roughly about 1700 rpms.

22 Q. Do you know roughly what that would equate in speed?

23 A. About 17 miles per hour, just enough for my boat to
24 break plane, but not fast enough to scare my son.

25 Q. And you said the Mohican passed. Would it be

1 starboard to starboard with you?

2 A. I was coming south. He was on my right and the land
3 was -- it was me, the Mohican and land.

4 Q. Okay.

5 A. And at that point where it juts out, if there was,
6 again 300 yards between me and the land and him in the middle,
7 they would be pushing it.

8 Q. So roughly the Mohican was 150 yards?

9 A. I would say --

10 Q. To your right side?

11 A. Yeah, if I'm 300 he was probably -- yeah, 150.

12 Q. And roughly what time -- can you estimate what time
13 that was when you would be even with the Mohican?

14 A. Probably when I slowed down, probably 2:55, that
15 range.

16 Q. Okay. And when you proceeded south, did you maintain
17 your speed or did you slow down?

18 A. No, I pulled back on my throttle. We idled for
19 probably approximately two minutes. Then we went to bring it
20 back up to speed. By the time we planed back off -- we idled
21 for about two minutes. By the time we planed back off we were
22 already at Cramer Point and seen what was going on. And we
23 went back down to idle speed. It was probably two, two-and-a-
24 half minutes before we realized what when on to when I made my
25 phone call, which was, I think, 3:05.

1 Q. So when you got to Cramer Point, the time now is
2 probably?

3 A. 3:01, 3:02. And again, we didn't know then.

4 Q. Sure, sure. And can you describe the Mohican to us,
5 just -- I mean, I know you've been on the lake. How many years
6 have you been on the lake?

7 A. My entire life. I've been driving a boat for 25
8 years on the lake.

9 Q. So if you would just kind of describe the Mohican to
10 us, the boat that passed by.

11 A. Actually, the boat itself or what was on the boat?

12 Q. Could you read "Mohican" on the side of the boat?

13 A. Oh, yes. If I was going to look at it, the letters
14 are probably a little bit bigger than the easel with the paper,
15 you know, the distance away. The one thing I did notice and I
16 commented to my father, being the day that it was, it was
17 moving awfully quick. I don't know why -- I don't know, all
18 the other boats that are on that lake happened to be at that
19 scene at that time. I passed one boat on the way down, the
20 Yankee Yacht. There was nobody coming from the north. A lot
21 of boats came from the east. The waves, you know, the swell
22 itself was probably five-and-a-half to six feet, and typically
23 you wouldn't get that swell on that boat. I mean, it's a
24 pretty large boat to be putting the bow in the water. He
25 seemed he was in a hurry. I don't know. The day it was for a,

1 quote, unquote, a peaceful tour, I don't understand why he was
2 going the speed he was going.

3 Q. How far would you estimate you were at that time --

4 A. This map doesn't do it justice, say, 400 yards, 500
5 yards -- no, further than that. That's why I would rather go
6 out on the boat and do it, because it doesn't do it justice.
7 Probably a half a mile, but here it doesn't look like that.

8 Q. Now you said the waves were about five-and-a-half,
9 six feet. Just kind of give me an idea how you made that
10 estimation.

11 A. I turned into the waves at the time when we went up.
12 And because I'm standing when I'm driving, to see the bottom,
13 the entire bow was completely out. And I'm really guessing, at
14 least five feet, at least my height from the bottom of my boat
15 to the bottom of the swells.

16 Q. Now did you -- when you left your mooring, which was
17 up here, did you see any other large, say, commercial passenger
18 vessels on the way south?

19 A. No. No, actually we were first alone, and I think
20 the first boat I encountered was probably down here. I was
21 come north.

22 Q. What kind of boat was that? Do you recall what kind
23 of boat?

24 A. It was not a cruiser, a little bigger than mine,
25 probably 30-foot.

1 Q. Recreational type?

2 A. Recreational. There was a couple of boats down here.
3 There was a blue and white (indiscernible) with a gentleman, a
4 dog. And wife had come up and came back down. There was a
5 wave runner, and it wasn't the two wave runners here. There
6 was a wave runner that actually was following up -- following
7 up a cruiser and came over behind me to him the Mohican wake.
8 I mean, as I'm going this way, he was coming up following the
9 boat, came behind me, but he wasn't here. In other words, as
10 he hit him, he just kept going, and there was somebody playing
11 on the waves.

12 Q. Okay, so you saw one boat up here, one 30-foot
13 pleasure craft here. And you saw no other vessels on the way
14 south here?

15 A. Not that I can remember, outside of the -- I passed
16 on boat that was coming out, I passed coming down by Yankee
17 Yacht. He was coming south. He had just come out of their
18 dock or wherever he was leaving.

19 Q. So there were two vessels up here, then?

20 A. Right.

21 Q. And this vessel here that just left, can you describe
22 his boat?

23 A. No, I cannot.

24 Q. Was he going past you?

25 A. No (indiscernible) just enjoying the day.

1 Q. And where was he coming from?

2 A. I'm really guessing on this, Yankee Yacht Marina,
3 which would probably be right here.

4 Q. Okay. All right, and so then you met the Mohican on
5 your starboard, right side. And after the Mohican you said
6 there was a wave runner in its wake?

7 A. Well, I'm here. There was a wave runner coming up --

8 Q. Passing you on your port side, then?

9 A. Yes. He went to jump my wave and he went back to
10 jump the Mohican wave.

11 Q. So the wave runner passed you on your port side?

12 A. Correct.

13 Q. And then cut behind you and also -- what, did he cut
14 in front of the Mohican?

15 A. No, because at that time there was already a distance
16 between us. He was going up. We were coming down.

17 Q. The Mohican had already passed and he cut --

18 A. Right.

19 Q. He cut behind you and also the Mohican.

20 A. So he hit our wake and then hit the Mohican wake.

21 Q. So do you recall after he hit the Mohican wake where
22 he went?

23 A. No. No, I don't. But I don't remember seeing him
24 turn around, either, to the wave runners that were here.

25 Q. Okay.

1 A. Most of the boats that were out at that time when I
2 came in, from the (indiscernible) brought out the divers,
3 everybody was there. You know, outside the troopers coming and
4 everybody else, there was really no other boats. It seemed
5 like all the other boats that were on the lake at that point,
6 at that time, were there, one way or another ended up there.

7 Q. Okay, so I want to also get the idea -- you were one
8 of the first people who saw the Ethan Allen. Just -- if you
9 would, just describe in careful detail when you first saw the
10 Ethan Allen. If you can, give us what its heading would have
11 been, its compass bearings.

12 A. Okay, I was going north to southbound. When we made
13 the turn, all you saw was the entire bottom of the boat. There
14 was another boat or two next to it. And we were a distance
15 away, so we dropped back down to idle speed and we kind of got
16 closer. It was kind of bouncing a little bit, either from all
17 the wakes and everything, and the bow started to go under. And
18 then you really didn't know what it was, okay. And then that's
19 when I called 911. And then as you kind of got -- still got
20 closer, got closer, it almost turned. It almost turned to us
21 that you could see the name of the boat itself.

22 Q. So when you say it was turning, the bow was turning
23 to the west?

24 A. Well, it was kind of -- yeah, I guess. It was here.
25 The boat was almost bobbing and going down and coming up, like

1 that.

2 Q. Okay. As it was turning, the bow was going down?

3 A. The bow was going down.

4 Q. Okay.

5 A. I'd say from that time when we got there until it was
6 actually straight up and down, I'm guessing maybe five, six
7 minutes, from when it was straight up and down.

8 Q. Okay, so the vessel actually at some point was --

9 A. It stayed like that for probably four or five minutes
10 before it -- maybe even longer, before it went completely
11 under.

12 Q. Would you guess at any point it was actually totally
13 perpendicular or was it just not quite perpendicular all the
14 way? It was kind of just totally vertical or was it kind of --

15 A. I'd say yes, with probably this much sticking out of
16 the water.

17 Q. Okay.

18 A. Again, at that time I was trying to get the divers
19 over from the beach. So I was completely south of it now and
20 you could just see the very back of it before it went down.
21 And really, from when I called Jim, from 911, when it was over,
22 I think I called Mr. Quirk two minutes later. Maybe five
23 minutes after that, again, it was like a buoy.

24 Q. And can you -- were you looking at it when the boat
25 actually left the site and when she actually sank completely?

1 A. We were too far away. We were still there, but we
2 were too far away. Under the advice of my father and with the
3 children, we kept just letting it float away. When we got up
4 and were there, we were watching the people. We didn't know if
5 they were saying, "Come help us," or "Stop." Because the
6 waves -- it seemed like the more boat waves came in the quicker
7 it was going down. So we got to a point where like I don't
8 know if we were being helpful or hurtful at this point.

9 Q. So once you saw the boat, and you went to pick up
10 some divers after that?

11 A. We drove over to the beach. There was another boat.
12 It was a mini-cruiser, light tan and dark tan, maybe 20 feet.
13 It's not even a cruiser, I guess, probably a full cabin
14 underneath. The gentleman who was driving it, he went over.
15 You could hear the whistles from the beach going. He went
16 over. Four divers got on. He threw his back ropes out. They
17 piggybacked each other and held onto the rope behind the boat,
18 and he started towing them out. I went in behind them to see
19 if the other ones -- and they signaled us off. They seemed
20 like they were students, and I don't know if they were capable
21 or allowed?

22 Q. Sure.

23 A. I don't know if the instructors told them -- we
24 turned back around and headed back out there. But again, under
25 my father and my wife and everybody and the children, they

1 didn't want to -- with the diesel fuel and everything else,
2 they didn't --

3 Q. Okay. Can you just describe your 911 call to us?

4 A. I was pretty nonchalant because I didn't know what
5 was going on. A gentleman answered. (Indiscernible). We were
6 stopped at Cramer's Point, I believe. "There's an overturned
7 sailboat." He goes, "Yeah, there are already people on route."
8 I think I said, "All right, thank you," and I hung up. I
9 called Sean after that. He didn't answer his cell, as normal,
10 and then I called his father.

11 MR. TURRELL: Okay. Walter, next?

12 BY SGT. SCHEDEL:

13 Q. I don't have a lot. But you say you've been boating
14 in the area for 25 years. You characterized the wake of the
15 Mohican being roughly, what five-and-a-half to six feet, you
16 said?

17 A. Yes.

18 Q. And it was more than one wave?

19 A. Yes. It was (indiscernible) three waves.

20 Q. Through three waves?

21 A. Yes.

22 Q. Were they all the same height?

23 A. Relatively, yeah, pretty close.

24 Q. Can you estimate what the interval between those
25 waves was?

1 A. I could probably do the distance.

2 Q. Yeah, that's what I'm talking about.

3 A. Probably about -- from the top of -- from the top of
4 one wave, maybe 11 feet. Because my beam is about 9 feet, my
5 bow, it probably (indiscernible). I'm at the top of the wave
6 and we came down and the other wave was on the top of the bow.
7 Does that make any sense? I don't know.

8 Q. You're about 11 feet from the bow? It wasn't
9 actually crashing on the bow. You were already sitting on the
10 next wave.

11 A. Right. We dipped in and it hit the very tip of the
12 boat.

13 Q. So at that point the crest of the first wave would
14 have been behind you?

15 A. It would probably be -- probably about two feet,
16 maybe, behind me.

17 Q. Okay, so it was about 14, 15 feet?

18 A. I guess. I never really thought about it.

19 Q. Okay, and you said you were a restaurateur in the
20 area?

21 A. Yes.

22 Q. Which restaurant do you own?

23 A. J.C. Montana's.

24 Q. Maybe I should have figured that one. Are you sure?
25 (Indiscernible). I mean, you obviously you've known Sean and

1 his family pretty well?

2 A. I've known the Quirks -- well, actually I bought the
3 restaurant -- five years, and I've known them since -- 25
4 years.

5 Q. You said you worked for them before?

6 A. I worked for them.

7 Q. What did you do when you worked for the Quirks?

8 A. I was their executive chef.

9 Q. So you worked in the restaurant with Sean?

10 A. Yes. Makes sense I bought a restaurant, huh? See
11 how it all works out here?

12 UNIDENTIFIED SPEAKER: Connect the dots. Great
13 thing.

14 SGT. SCHEDEL: That's all I need.

15 MR. TURRELL: Sean?

16 BY MR. S. QUIRK:

17 Q. Yeah. As far as experience on the waves, knowing
18 Chris, have you lived down in Florida?

19 A. Mm-hmm.

20 Q. How long did you live down there?

21 A. We were there about nine months, that I can remember.
22 I was here when I was younger.

23 Q. And you have experience with waves out there, where
24 they actually saved six foot rollers, today four foot rollers?

25 A. Yeah.

1 Q. Would you consider these as rollers, the waves?

2 A. (Indiscernible). Well, it's a strange thing, because
3 in the ocean they're further apart and bigger. On a boat
4 they're more condensed. You know, growing up on the lake, we
5 always went over (indiscernible) waves.

6 Q. Why is that?

7 A. To get air. I mean, it was as simple as that. I
8 couldn't -- I thought I was getting (indiscernible) I wouldn't
9 have gone off these waves. I'm sorry (indiscernible). You
10 know, (indiscernible) to me it seemed that the Mohican -- on
11 that day the Mohican was in a hurry. (Indiscernible).

12 Q. Pushing it?

13 A. Yeah. And, you know, people asked me why is today
14 different than any other day. I really -- there was nobody on
15 the lake. There was nothing to break other wakes down, this
16 and that. I mean, they were bigger than normal. You know, on
17 a really rough date at the lake, I can understand you have
18 other things breaking in and it's not going to cause it. And I
19 happened to be on the Mohican a month ago with the children, so
20 I mean -- and it wasn't running that fast then and the waves
21 weren't that big then. Hey, who knows. It was strange, on a
22 peaceful, calm day why it was going the speed that it was, you
23 know, when you're there to show the sights and everything else.
24 I don't know, it was very strange.

25 Q. Just to do a little more on the timeline. You're

1 hitting the waves just north of Cramer's Point. How long would
2 you think before you rounded that corner here of Cramer's Point
3 from (indiscernible) to --

4 A. Maybe five or six minutes and two minutes to see what
5 was going on and make my -- and make 911, probably five or six
6 minutes. The weird -- I don't know if this will
7 (indiscernible). After we went -- we went to the
8 (indiscernible). We got back out there and we idled back up.
9 The Mohican was coming back this other side at half the speed.
10 So it had done (indiscernible). I talked to Inspector French
11 down in Warren County and he -- on Tuesday morning. And he
12 showed the Mohican going behind with little to no wake. It
13 was -- I don't -- I mean, it wasn't running that same pattern.
14 Again, to me, I don't know why it seemed to be in a hurry.

15 Q. Okay. And when you rounded the corner you said there
16 was people on the scene already. The boat was already flipped
17 over?

18 A. The boat was flipped over. There was no --

19 Q. No one on the scene.

20 A. -- no officials. But there was, I believe, two
21 boats, maybe two red kayaks, single-person kayaks, a wave
22 runner or two, another boat came up from shore, I believe.

23 Q. Did you recognize (Indiscernible)'s boat?

24 A. No. I had no idea, and I wouldn't have except for
25 Angie knows that that's John (indiscernible)'s sister's house.

1 Okay, we had no idea then (indiscernible).

2 MR. S. QUIRK: I don't have any further questions.

3 BY MR. TURRELL:

4 Q. Chris, when you were looking at the boat, looked over
5 at the Ethan Allen, did you see any life preservers in the
6 water?

7 A. Yeah, there was a couple, maybe (indiscernible) four,
8 four or five. There was something black in the water that was
9 floating. I thought I saw maybe wood, like an oar, floating as
10 well.

11 Q. Okay. When you proceeded south and you said you
12 were -- just continued on down to the village, did you see any
13 other crafts, particularly commercial passenger vessels?

14 A. Actually here, the Ethan Allen, the De Champlain and
15 the Algonquin (indiscernible).

16 MR. TURRELL: We'll pause this for a moment.

17 (Off the record.)

18 (On the record.)

19 MR. TURRELL: Okay, we're back on the record.

20 MR. MONTANA: The Algonquin and De Champlain were
21 out. They passed us both while we were sitting here.

22 BY MR. TURRELL:

23 Q. Can you give us a time when the Algonquin and the De
24 Champlain passed you?

25 A. I'm going to guess -- maybe 3:12, 3:15, I think that

1 was the De Champlain, maybe 3:25 for the Algonquin. Because my
2 wife commented that --

3 Q. I'm sorry, 3:25 you said?

4 A. I think so. My wife --

5 Q. Where were you?

6 A. When the boat was actually moored at the beach and my
7 wife made the comment, "I wonder if they know what's going on."
8 Because they were -- they were moored in the middle of the
9 lake.

10 Q. Did they stop at the scene?

11 A. No. I don't think anybody probably in the 15
12 minutes -- I'm going to guess 15 minutes from when the boat
13 flipped over to when it went down, outside of the people that
14 got there, had no clue what was going on, up until all the
15 troopers and, you know, all the boats kind of -- I mean, they
16 were telling people to get out of the water, you know, get
17 back. The first boat there was the red rescue boat.

18 Q. Can you tell me roughly what time you did manage to
19 reach the Quirk family on the telephone?

20 A. It was probably Jim -- do you know how to use cell
21 phones? Because I don't. He may have been there. I don't
22 know how to use computers, either.

23 Q. Your call log, your recent call log? (Indiscernible)
24 Just ask him to (indiscernible) to us.

25 A. I don't know how to find a count on it.

1 Q. Is that the number there?

2 MR. S. QUIRK: Yes, 2875? (Indiscernible).

3 MR. MONTANA: She looked up my 911 call. It said
4 3:05.

5 MR. TURRELL: Okay, we'll get (indiscernible). I
6 just want (indiscernible). Do you have any other questions,
7 Walt?

8 BY SGT. SCHEDEL:

9 Q. Now you said you saw something -- I want to ask about
10 the PFDs you said you saw life jackets. You said you saw four
11 or five life jackets floating on the water and something black.
12 Is that what you said?

13 A. Yeah, I don't -- a garbage bag, a jacket, something.
14 I don't --

15 Q. Does it look like somebody through something in off
16 of the boat for people to hang onto or just some trash floating
17 in the water?

18 A. I have no idea.

19 MR. TURRELL: Sean, anything else?

20 MR. S. QUIRK: No.

21 MR. TURRELL: All right, Chris, would you just
22 acknowledge that this has been recorded and we'll end the
23 interview, and then the detective will have some questions for
24 you.

25 MR. MONTANA: Okay.

1 MR. TURRELL: Okay, thank you.

2 (Whereupon, the interview in the above-entitled
3 matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the

NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: Investigation of MV Ethan Allen
 Lake George, New York
 October 2, 2005
 Interview of John C. Montana

DOCKET NUMBER: DCA 06 MM 001

PLACE: Washington, D.C.

DATE: October 12, 2005

was held according to the record, and that this is the original, complete, true and accurate transcript which has been compared to the recording accomplished at the hearing.

Phyllis Jarvis
Transcriber