

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

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Investigation of: *
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MV ETHAN ALLEN, *
LAKE GEORGE, NEW YORK, *
OCTOBER 2, 2005 * Docket No.: DCA 06 MM 001
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Interview of: ELAINE MORTON

Fort William Henry Resort and
Conference Center

Wednesday,
October 12, 2005

The above-captioned matter convened, via telephone,
at 4:00 p.m.

BEFORE: MORGAN TURRELL

APPEARANCES:

MORGAN TURRELL
National Transportation Safety Board

MAURICE ALDRICH
Warren County Sheriff's Office

WALTER SCHEDEL
New York State Park Police

STEVE RIVENBURGH
New York State Park Police

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I N T E R V I E W

(4:00 p.m.)

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2
3 MR. TURRELL: Good afternoon. It's October 12th.
4 It's 4 o'clock. I'm currently at the Fort William Henry Resort
5 and Conference Center. We're taking a telephone statement from
6 an Elaine Morton. Her phone number is (DELETED). My name is
7 Morgan Turrell of the National Transportation Safety Board.

8 To my left.

9 MR. ALDRICH: Investigator Mo Aldrich with Warren
10 County Sheriff's.

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

13 MAJ. RIVENBURGH: Major Steve Rivenburgh, New York
14 State Park Police.

INTERVIEW OF ELAINE MORTON

15
16 BY MR. TURRELL:

17 Q. And, Ms. Morton, if you would just give us your
18 street address, please, slowly.

19 A. (DELETED).

20 Q. How do you spell that?

21 A. (DELETED).

22 Q. Okay. And the city?

23 A. Lake Luzerne.

24 Q. And state New York?

25 A. Yes.

1 Q. And zip code?

2 A. (DELETED).

3 Q. Okay, and, Elaine, you realize this is being
4 recorded?

5 A. Yes.

6 Q. Okay. Thanks. Elaine, we're taking a statement in
7 regards to the Ethan Allen accident of Sunday, October 2nd, and
8 if you have anything to tell the NTSB, this is your
9 opportunity, if you'd just go ahead.

10 A. Okay. Basically, I'm pretty familiar with the lake.
11 We have our boat that we moor right on Lake George, so we're
12 out there quite often, and I just happened to notice a really
13 strange wave out of nowhere because I couldn't really see any
14 big boats, and it was odd enough for me to comment on it and
15 ask my boyfriend if he could come up from the cabin and check
16 it out, and basically we were right in that general area of
17 where the Ethan Allen had sunk. We were on our way up from the
18 south going north to the Algonquin. And it was just the
19 weirdness was, it was such a big wave for no apparent reason,
20 and it was a pretty calm day out. It wasn't necessarily windy.
21 I've seen the lake a lot more choppy and wavy than it was that
22 day. It was really nice and sunny and, you know. So it was
23 just a really weird wave and then -- also the very first --
24 there were like three consecutive ones. They're pretty tall,
25 but they weren't really long, you know, like the boat wake wave

1 goes on forever. These weren't that -- really that long, but
2 they were pretty high. The very first wave had a whitecap on
3 it.

4 Q. Okay.

5 A. You know, kind of like a white water wave.

6 Q. Right.

7 A. And it was coming -- we were heading north and the
8 wave was coming down the lake from the north to the south in a
9 little bit -- it was going from the east side to the west side
10 also, and that's pretty much all I have, you know, of -- that's
11 all I know. And it was weird enough for me, this was even
12 before I realized anything had happened on the Ethan Allen. We
13 were up to pick up my girlfriend at the Algonquin. I mentioned
14 it again to her that there was this really weird wave that we
15 had no idea where it came from. So it was odd enough for me to
16 note it, you know, and that's the only thing I really have to
17 say. We do have a GTS thing on our boat, but it's brand new.
18 We don't even know what it records actually.

19 Q. Right.

20 A. So that's really about it. We were, you know, in the
21 general area at that time and there was that weird wave. There
22 was actually three waves, one right behind the other. The
23 first one I would say was like really big though like 4 feet
24 maybe. I'm really bad in judging distances and stuff, but it's
25 about what my boyfriend said, that it's about 4 to 5 feet. In

1 fact, when he saw it, he was like, oh, my God, you could
2 probably surf that thing. So, you know, pretty noticeable.

3 Q. Okay. Elaine, could you just for -- tell us were you
4 on a boat at this time?

5 A. Yes.

6 Q. Okay. What kind of boat is it?

7 A. Oh, gee, it's a -- I think -- was a Suncraft. It's
8 24 foot.

9 Q. Okay. And can you give us a general description of,
10 of -- first of all, how many people were onboard the boat?

11 A. Just myself and my boyfriend, Gary.

12 Q. Okay. And can you give us a general description of
13 where you, where you were specifically when this -- when you
14 saw the wave?

15 A. You know, that's the part -- because I, I would have
16 to say it was we were -- because we had just gotten gas, and I
17 was kind of going slow up the wake. I, I believe we had passed
18 Kramer Point though.

19 Q. Okay. So first of all, let's help you out here.
20 Where did you get gas?

21 A. We got gas at right at the boardwalk.

22 Q. Okay.

23 A. Okay.

24 Q. And, and what --

25 A. And --

1 Q. -- what time was it? What time was that?

2 A. I think the receipt said 2:33.

3 Q. Okay. So then you, you took the boat out from the
4 gas station and you were traveling north?

5 A. Yes, directly north.

6 Q. Okay. How far off the beach were you when you were
7 traveling north?

8 A. Okay, this is, I would say around 500 feet from
9 shore.

10 Q. Do you think you could throw a rock and it would make
11 it if you threw a rock at it?

12 A. Oh, okay, see, this is where I'm bad. Well, I could
13 not throw a rock at it and probably hit it. At the very
14 beginning, yes, I was kind of hugging the shore, but there's
15 more boat traffic coming, so I got off a little bit more into
16 the middle of the lake.

17 Q. Were you, were you inside the five-mile-per hour
18 buoys?

19 A. No. I mean originally, yes.

20 Q. Originally.

21 A. But that wasn't -- that happened, no.

22 Q. Okay. So you, when you saw the wave, you were beyond
23 the five miles?

24 A. Yeah, we were beyond our -- where we dock our boat,
25 which is Christiana Lane on the boat road there. It's a --

1 there's like a development there, an association.

2 Q. Okay.

3 A. So we had passed that, and a friend, Tanner (ph.)
4 actually lives right there on Kramer Point, and that's why Gary
5 and I were trying to remember if we had passed Kramer or
6 (indiscernible) or not when that hit, and I would have to say,
7 I would have to say it was pretty much after that that I saw
8 the wave. And the only reason I'm thinking was because I was
9 closer to shore then because the point comes out. Do you know
10 what I'm saying?

11 Q. Okay. So I'll just step back for a second. You got
12 the gas at 2:33.

13 A. Yes.

14 Q. You were heading north. What speed were you heading?

15 A. All right, I was going really slow like within the
16 five mile, and then as soon as we got past the section where
17 you can speed up, I still was going pretty slow because Gary
18 was trying to organize -- the cabin -- and getting a CD player
19 out and stuff like that. So I would have to say I was going
20 somewhere between 5 and 10 miles per hour.

21 Q. Okay.

22 A. When that -- when the wave hit. It was directly
23 actually in front. The first two crests kind of went in front
24 of us. We were going directly north, and like I said, it was
25 coming down the lake and cutting, you know, over to the -- from

1 east to west. So when I first saw it, I slowed the boat right
2 down almost into neutral, and the first two, the one with the
3 whitecap went right in front of me.

4 Q. Okay.

5 A. And then the second one did, and then the third one
6 kind of rocked the boat.

7 Q. Now where were you -- where was your final
8 destination this day?

9 A. Well, we had picked up my girlfriend at the
10 Algonquin, and then we just actually kind of went over to like
11 I think it was Sandy Bay.

12 Q. Okay. Can you tell us what time you think you were
13 at the Algonquin?

14 A. I pulled into the Algonquin at -- the only reason I
15 know this is because my girlfriend called me. We were late.
16 We were supposed to be there at 3 o'clock, and we were late,
17 and she called my cell phone at 3:23, and it was right after
18 that that we pulled in, because I said, I can see you when I
19 was talking to her.

20 Q. Okay.

21 A. So --

22 Q. You saw the wave before the strike?

23 A. Yes.

24 Q. Okay.

25 A. Yes, definitely.

1 Q. Can you tell us roughly how many minutes it was
2 before this that you saw the wave, time-wise?

3 A. Oh, gee, this is -- I, I would say 20 to 30 minutes
4 prior to being at the Algonquin.

5 Q. Okay. Okay, and you saw the wave coming from the
6 east, and you said it was about 4 feet high and a series of
7 three waves, is that correct?

8 A. Yes.

9 Q. Okay. And when you, when you were in your, your boat
10 there, this, this craft that you were in, which is a 24-foot
11 Suncraft, is that right?

12 A. Yes.

13 Q. Can you recall the angle of attack? Were you driving
14 at the time?

15 A. I was driving, yes.

16 Q. Can you --

17 A. And I was going direct north.

18 Q. Okay. So at what direction did the wave hit your
19 boat, on the side or --

20 A. On the right side.

21 Q. Okay.

22 A. Of my boat.

23 Q. And what was the effect on your boat?

24 A. Well, like I said, the first two, I cut it right down
25 because I saw it come, you know, so I cut the boat pretty much

1 right into neutral, and the first two kind of went in front of
2 me, and the last part of it hit the very bow of the boat, and
3 it rocked it pretty good.

4 Q. Okay. Okay. Can you estimate how -- the length of
5 this wave? You know, like in distance from left to right.

6 A. Okay. I would say maybe 10 feet.

7 Q. Okay.

8 A. Or 20.

9 Q. I'm going to let now Sergeant Schedel of New York
10 State Park Police ask you a couple of questions.

11 A. Okay.

12 BY SGT. SCHEDEL:

13 Q. How you doing, Elaine?

14 A. Good. Thank you.

15 Q. So these were like just -- they weren't like a wake,
16 it was just like a hump in the water, basically, right?

17 A. Yes.

18 Q. Because it's only approximately 10 feet long and
19 maybe half again as high?

20 A. Correct.

21 Q. All right, and you didn't see any other boats in the
22 area that might have caused that wake or combination of boats
23 where two wakes might have come together and just made this
24 extremely high spot?

25 A. I -- you know, that's, I think that's one of the

1 reasons why I noted it, because I was like where did it come
2 from? I couldn't figure it out. I didn't -- no big boats had
3 really passed. We had only passed one of the bigger boats, and
4 that was a two double -- like a double-decker type thing, but
5 that was right after we got gas. So it wasn't, you know,
6 anywhere in the vicinity. We were way south on the lake still.

7 Q. Okay. And which direction was that boat going?

8 A. It was going from the north to the south.

9 Q. Okay. So you got gas at 2:33. After paying for the
10 gas and getting the receipt, did you leave the gas dock right
11 away?

12 A. Yep.

13 Q. So you paid and then hit the waves, right?

14 A. Yeah, pretty -- I mean yeah. We -- after we got gas,
15 I would say it was well, and I was going, driving slow because
16 Gary was doing stuff, and we were initially in the five-mile an
17 hour zone, but I would say it was about 15 minutes, 15 to 20
18 minutes, and I -- if I had known this was going to be
19 important, I would have checked the time and everything, but
20 after we left, after we passed our dock, that I would say we
21 hit that. So it probably like 20 minutes to a half an hour
22 maybe after.

23 Q. Okay. I realize, you know, you're out there in the
24 water, you're enjoying yourself, you're not really paying
25 attention to you -- to the timing, and we're -- kind of got you

1 on the spot so, you know.

2 A. The only other thing I can probably -- I don't know
3 if this will help or not, but it was I would say within 5
4 minutes of that wake going by me, 5 to 10 minutes, we saw the
5 first police boat coming right at us, and there were like lots
6 of them one right behind the other, right behind the other. So
7 we hadn't gotten very far after that wake came through that we
8 noticed the police boats.

9 Q. Okay, and where were they coming from?

10 A. They were coming from the north south down the lake.
11 I saw 1, 2, 3 (indiscernible) kind of things --

12 Q. Uh-huh.

13 A. -- with blue lights on them.

14 Q. Okay.

15 A. And then the big red boat, fire department boat went
16 by.

17 Q. Okay. And they were all coming out of the north and
18 that was the boat, fireboat was right behind the police boats
19 as well?

20 A. Yes. It was, I would say like 3 to 5 minutes behind
21 them. The one guy, the very first police boat when he was
22 coming, he didn't even -- like we saw him flip his lights on.
23 He was coming down the lake.

24 Q. Uh-huh.

25 A. But he didn't. Wasn't like in a necessarily big

1 hurry or anything, you know.

2 Q. Okay.

3 A. And, oh, and then he put the lights on, the blue
4 lights, and that's -- because I made a comment on that, that I
5 didn't realize they had blue lights. So and he must have just
6 already been in the area, because he was there, and then I'd
7 say two other like Boston (indiscernible)-type boats went by
8 also --

9 Q. So --

10 A. -- boat landing fire department boat.

11 Q. All right, and the police boat didn't look like it
12 was moving real quick until it turned the blue lights on, and
13 then you saw it speed up or --

14 A. Yes.

15 Q. Okay.

16 A. Yes.

17 Q. Okay, well, that, that kind of narrows down the time
18 a little bit.

19 A. Okay.

20 BY MAJ. RIVENBURGH:

21 Q. Elaine?

22 A. Yes.

23 Q. This is Major Rivenburgh with the Park Police. Going
24 to ask you a couple of questions that aren't directly related
25 to this.

1 A. Okay.

2 Q. What type of work do you do?

3 A. I'm a clothing buyer for a ski company.

4 Q. Okay. And do you work here in Lake George?

5 A. No. I work in North Creek.

6 Q. Okay. Do you have any relationships with William Dow
7 or the Lake George Boat Company, company that owns the Mohegan
8 and --

9 A. No.

10 Q. Okay. You don't have any business dealings or
11 anything of that nature?

12 A. No.

13 Q. Okay. How many years boating experience do you have?

14 A. Actually since I was like 17 or 18, I've -- pretty
15 much always on the boat.

16 Q. Okay.

17 A. Or, you know, my husband, and I and then my
18 boyfriend.

19 Q. How much experience on Lake George?

20 A. Actually, I have quite a bit like I grew up here, and
21 then I had moved to Connecticut. My husband was a very avid
22 fisherman and so we were up here every weekend.

23 Q. Okay.

24 A. And, you know, so he fished around (indiscernible)
25 island where it's really deep and everything with his

1 (indiscernible) workers and stuff like that. So we were
2 constantly on the lake. We vacationed every single year for
3 like 14 years for 2 weeks on the island, and like I said, we
4 have a boat moored there now, and we, you know, go out as often
5 as possible. So I guess I'd say I'm pretty familiar with the
6 lake.

7 Q. Okay. When you mentioned before that where you
8 docked your boat, I missed that. Could you tell me again where
9 that is?

10 A. Okay. I can't remember the name of the association,
11 but it's Christiana Lane or Christina Lane. It's right by --
12 right at the end of Bolder (indiscernible). Generally Johnny's
13 or the boatload.

14 Q. Okay. And Gary's last name?

15 A. Higgins.

16 Q. Higgins?

17 A. Yep.

18 Q. Okay. Did he see this, these waves?

19 A. Yes. Because I commented on them, so he came up to
20 check them out actually, and he, he made two comments. The
21 first one was, wow, that's a rogue wave, because we couldn't
22 figure out where it came from, and it was really big and really
23 weird. So he made a comment that it was a rogue wave, and then
24 said, my God, that first one you could probably surf on.

25 Q. Okay. And in your travels north after you passed

1 Kramer Point, do you recall at any time -- do you recall at any
2 time catching up to and passing the Mohegan?

3 A. No. Actually I'm not sure which boat it was because
4 I wasn't really that close, but one of the boats was up
5 (indiscernible) Island. But he was already up there by the
6 time I got there.

7 Q. Uh-huh. Are you -- well, I just drew a blank.

8 A. Okay.

9 Q. I was asking you before, about William Dow and his
10 company.

11 A. Yes.

12 Q. Are you at all, do you have any business dealings
13 with Shoreline?

14 A. No.

15 Q. Okay. Anyone with the Quirk?

16 A. No.

17 Q. Personal or business?

18 A. No.

19 Q. Okay. Have you ever taken a boating safety class?

20 A. Yes.

21 Q. Okay. From what agency?

22 A. Actually, it was a long time ago. It was in Norwalk,
23 Connecticut because we had our boat on the sound also.

24 Q. Okay.

25 A. I really don't remember. It was a long time ago,

1 about 1988 maybe.

2 Q. Okay.

3 A. But I haven't had one like since, no.

4 Q. Okay. Do you recall seeing the Ethan Allen at all?

5 A. You know, I do recall seeing it. I don't really know
6 where I saw it though at all. I can't like envision like the
7 scenery behind it or anything. I just kind of -- I, I actually
8 had passed it, I think. It was on the left side of me.

9 Q. Okay.

10 A. When I went up the lake.

11 Q. Yeah. Do you recall what direction it was traveling?

12 A. You know originally, but I'm not, I'm really not
13 sure. I just -- I guess I assumed it was heading south, but I
14 honestly can't really be sure of that right now. I know the
15 other boat was heading south because I noticed a little paddle
16 wheel thing behind it, and there were a bunch of businessmen in
17 suits, and it was such a hot day, so I noticed that too,
18 and I'm like they've got to be dying out there. So that one
19 was definitely heading south. The Ethan Allen, I honestly
20 really don't know.

21 Q. Okay.

22 A. I'm sorry.

23 Q. You --

24 A. I can't really be positive is the problem.

25 Q. Yeah. Your 20-foot, your 24-foot Suncraft, do you

1 know what year that is?

2 A. Yeah, it's pretty old. I think it's a '86.

3 Q. Okay. Is it your vessel?

4 A. No. It's actually Gary's.

5 Q. Okay. Is it an inboard, outboard or an IO?

6 A. I think it's an -- the motor's on the inside, like
7 you've got to lift up the case thing. Is that an inboard?

8 Q. Okay.

9 A. I'm sorry.

10 Q. And the propeller comes out the back, or is it --

11 A. Yes.

12 Q. Okay. That's an IO. Okay. Okay. I'm starting to
13 draw a blank, so I'll turn it over to my friend from Warren
14 County.

15 MR. TURRELL: Actually, Walter, any more questions?

16 MR. ALDRICH: No.

17 MR. TURRELL: Elaine, I have no more questions for
18 you right now.

19 MS. MORTON: Okay.

20 MR. TURRELL: I'll keep your phone, I'll keep your
21 phone number. We're going to turn the recorder off, but
22 there's a gentleman here from the Warren County Sheriff that
23 would like to ask you some questions off the record, okay?

24 MS. MORTON: Okay.

25 MR. TURRELL: So just go ahead and acknowledge this

1 was recorded, and I'll stop the recorder.

2 MS. MORTON: Okay.

3 MR. TURRELL: Thank you.

4 (Whereupon, the interview of Elaine Morton was
5 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 Elaine Morton

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.

Katherine Motley
Transcriber