

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: JAMES YOUNG

Fort William Henry Resort and
Conference Center
Lake George, NY

Wednesday,
October 5, 2005

The above-captioned matter convened, pursuant to
notice, at 2:05 p.m.

BEFORE: MORGAN TURRELL

APPEARANCES:

MORGAN TURRELL
National Transportation Safety Board

SGT. WALTER SCHEDEL
New York State Park Police

SEAN QUIRK
Shoreline Cruises

MATTHEW QUIRK
Shoreline Cruises

JIM QUIRK
Shoreline Cruises

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I N T E R V I E W

(2:05 p.m.)

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2
3 MR. TURRELL: Good afternoon. It's 2 o'clock, 2:05,
4 on October 5th. We're in Lake George Conference Center. My
5 name is Morgan Turrell, National Transportation Safety Board.
6 We're interviewing Mr. James Young, an employee of Shoreline
7 Cruises.

8 And to my right.

9 MR. M. QUIRK: Matthew Quirk from Shoreline.

10 MR. S. QUIRK: Sean Quirk, Shoreline.

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

13 MR. YOUNG: James Young.

INTERVIEW OF JAMES YOUNG

14
15 BY MR. TURRELL:

16 Q. Okay, Mr. Young, how old are you?

17 A. 62.

18 Q. And would you please acknowledge this is being
19 recorded for public record?

20 A. I acknowledge that it's being recorded.

21 Q. Okay, Mr. Young, where -- just what city and state do
22 you live in?

23 A. New York State, Queensbury.

24 Q. Okay. And how long have you lived in this area?

25 A. 35, 40 years.

1 Q. Okay. And --

2 A. 1966 I, I came up here.

3 Q. Okay. And what is your -- give me a little career
4 background from your adulthood.

5 A. I'm retired -- I'll work backwards. I'm a retired
6 teacher from Glens Falls City School District. I taught there
7 for 35 years. Prior to that, I lived in Philadelphia, in South
8 Jersey, where I started with the boating experience.

9 Q. Okay. And the boating experience you had in South
10 Jersey, what was that -- consist of?

11 A. A very, very low-scale boat rental, three and a half
12 Scout outwaters on fishing boats.

13 Q. Okay. And after you retired as a teacher and how did
14 you get back into boating? What was --

15 A. I actually was -- 1983, I started at Shoreline Cruise
16 as a parasail operating. Worked on the power sail for five or
17 six years with eventually getting on to the tour boats and then
18 on to the larger boats, the Defiance, and then when the Horicon
19 came on, on board in 1988, I was one of the original captains
20 on the -- apprenticed on the Horicon.

21 Q. Okay. So you've worked on the Horicon since 1988?

22 A. Since it went on the water.

23 Q. Okay. Can you just give us a brief description of
24 the Horicon?

25 A. Largest wooden vessel on the lake, 85 feet, powered

1 by Cummings, three decks, certified, I believe, for 300
2 passengers.

3 Q. Okay, and what speed typically does the Horicon
4 operate on?

5 A. We run about 1800 rpms and then we've been running --
6 that puts us eight and a half to nine and a half miles per
7 hour, depending on which way the wind is going.

8 Q. How many passengers do you normally carry on an
9 average cruise in peak season?

10 A. It would depend. You say average cruise. An average
11 cruise off the street, 20, 25 --

12 Q. Okay.

13 A. -- charters. Could be depending -- nothing over 100
14 or very rarely over 100. The big night would be a Thursday
15 night with fireworks crews, and we might run about 150.

16 Q. Do you -- on board the boat, what kind of records do
17 you keep?

18 A. The ship's log, departure time, arrival time, the
19 crew on there, engines checked, your normal checklist.

20 Q. Do you clock in and clock out?

21 A. As a --

22 Q. An employee.

23 A. -- an employee?

24 Q. Employee.

25 A. Yes.

1 Q. And obviously, you've been with the boat since it
2 started. Is there -- are there any other employees that are in
3 training to run the Horicon at this time?

4 A. At this time in training, one, Bill Perry. But there
5 were two captains that worked with me earlier in the season.

6 Q. Who are they?

7 A. Don Smith and Bruce Beck.

8 Q. Do they still work at Shoreline Cruise?

9 A. Don Smith does. Bruce Beck is sort of on leave.

10 Q. Don Smith is currently working there?

11 A. Yes.

12 Q. Okay. Is there any sort of maintenance program?
13 What's the maintenance routine on the boat besides the daily
14 checklist you mentioned before. Is there any other formalized
15 maintenance --

16 A. We have mechanics that go through and check the
17 filters, oil. I don't do any of the maintenance by way of
18 changing the oil or --

19 Q. Okay.

20 A. -- that sort --

21 Q. Right.

22 A. -- of filters like that. Someone goes through and --

23 Q. But as captain, do you, do you -- is it your
24 responsibility to notice if the oils or transmission fluid is
25 low and --

1 A. Yes, yes.

2 Q. Okay. You're the one that --

3 A. That, that's a daily check.

4 Q. Okay. So those level checks --

5 A. We check --

6 Q. -- and then --

7 A. -- fluid levels, we check for any leakage, any
8 accumulation of -- excess accumulation of -- and we change the,
9 the pigs, the rags underneath the engine, we change those so we
10 can observe any changes in the fluid levels.

11 Q. Sure. Okay. What about like safety equipment. Can
12 you describe safety equipment onboard your boat?

13 A. The standard safety equipment. We have the flares,
14 the -- I guess that would be it, flares, whistles.

15 Q. Uh-huh. I guess --

16 A. The horn, that's --

17 Q. Okay.

18 A. -- you know, and that's a horn if the power goes out.

19 Q. And as far as say lifesaving appliances.

20 A. We have 300, I believe it's 300 life vests. We
21 counted the life vests, make sure that they're on there because
22 you have, you have groups on there that start taking the life
23 vests down. We have staff puts them back up, and we count them
24 periodically to make sure we have enough. 250 on the second
25 deck, 50 or 60 on the top deck. We have adequate --

1 Q. Sure.

2 A. -- yeah, they're there.

3 Q. And that's a good question. How are they stored on
4 the boat?

5 A. The life vests on the very top deck, it's three
6 decks. Very top deck, they're under a bench seat with a canvas
7 cover to protect them from the weather. On the second deck --
8 and there's also a storage unit in the wheelhouse for a small
9 number of vests in the wheelhouse, and then on the back deck,
10 they're in the ceiling and in the second deck they're in the
11 ceiling.

12 Q. Okay. Who checks the bilges, and how, what
13 provisions to pump the bilges out?

14 A. The captain would check the bilges and they have a
15 maintenance crew that would pump the bilges out, if necessary.

16 Q. Are there any alarms or pumps onboard?

17 A. There is a, a bilge system in -- within the engines
18 for the, the various compartments. There's 1, 2, 3, 4, 5
19 compartments. And then there is an external bilge pump that we
20 can use to pump the water out if necessary.

21 Q. What kind of drills, safety drills, training drills,
22 do you hold for the crew?

23 A. We run the man overboard drill with the staff, and
24 then we go over -- depending on changing staff, we'll go over
25 it verbally with the, the crew, make sure everybody knows what

1 they're supposed to be doing and where they're supposed to be.

2 Q. How often is this drill held?

3 A. We held the drill for everybody with the actual
4 simulation in, in June, late June, and we do the on-dock drills
5 as, as needed with new staff.

6 Q. When you start on a new cruise, whether it's a
7 charter or off the street, do you do any safety briefings for
8 passengers?

9 A. When I'm coming in to the -- well, when I go, when I
10 leave the dock, I remind them that the lake is used for
11 drinking water, not to throw anything overboard. If they're --
12 when the Mohican goes by because of the large wake that the
13 boat throws, I remind the people if they happen to be on the
14 stairs to hold on because it does rock the boat, and then when
15 we're coming in the dock, I remind the passengers to remain in
16 their seats and to stay away from any open gangways until the
17 boat is secure and not to depart until we tell them that the
18 boat is safe and secure.

19 Q. So that's your, that's your safety briefing? Okay.
20 Is there a public address system on the boat?

21 A. Yes. We do narrations.

22 Q. Uh-huh. Okay. How many crew are on the, the
23 Horicon?

24 A. We run with a crew of three or four, depending on the
25 size of the crowd.

1 Q. Okay. What, what --

2 A. And the type of affair. If it's a dinner affair,
3 obviously we have servers when we're serving meals.

4 Q. I mean -- okay, that's fine, but as far as who
5 determines whether it's three or four? (indiscernible)?

6 A. (indiscernible), yeah.

7 Q. And, and when is that determination made?

8 A. It's when the schedule for the workweek comes out.
9 The individuals are scheduled for the various cruises.

10 Q. Okay. So the, the vessel certificate, do you know
11 what the state requires as far as a crew on your boat?

12 A. Four.

13 Q. Four. Okay. Does the state dictate what those four
14 requirements or the qualifications of those four individuals?

15 A. I know of -- I'm not aware of any qualifications.

16 Q. What qualifications do you currently hold?

17 A. A Master's, any tonnage, Lake George. Actually
18 doesn't even say that on the certificate. Master's, any
19 tonnage.

20 Q. Okay. That's a New York State --

21 A. Yes.

22 Q. -- license? Okay. What has been your experience
23 with the New York State inspections at Shoreline as far as
24 meeting with inspectors or doing vessel inspections? Have you
25 been involved in that at all?

1 A. No, I haven't.

2 Q. Are you aware that they do come down and --

3 A. Oh, yeah.

4 Q. Okay.

5 A. In the spring of the year -- well, the thing was that
6 for the most part I was teaching.

7 Q. Okay.

8 A. In early spring --

9 Q. Okay.

10 A. -- during the day.

11 Q. Let's go ahead and ask you now, go ahead and tell me
12 about Sunday, October 2nd, just in your own words, and let's
13 detail where you were, what you saw and what times you
14 remember.

15 A. Okay. Sunday, October 2nd, I was scheduled for a
16 charter wedding from 12 to 3. The -- we left at 12, which is
17 unusual because most charters are usually late, but, no,
18 everybody was here on time, and we got the word from the, the
19 guests that it was time to leave, so we left on time at 12. I
20 went up the east side of the lake through Assembly Point.

21 Q. If you'll just come over here, show me here. Now you
22 may have terms that you use, but just for interest of
23 consistency here, if you would use the terms on the chart, so
24 that way, trying to recreate this later on, I can --

25 A. Okay. Shoreline (indiscernible) Shoreline Cruise

1 across the lake east side, up the east side through Assembly
2 Point.

3 Q. Okay, east side, okay.

4 A. Actually, the wedding took place on the boat in Dark
5 Bay, right here.

6 Q. Okay.

7 A. So we went up to this point, had a wedding ceremony,
8 proceeded up --

9 Q. Okay.

10 A. -- Dark Bay, proceeded up through Assembly Point.

11 Q. Okay.

12 A. Across to Cleverdale.

13 Q. Okay.

14 A. Along Cleverdale, behind Elizabeth Island.

15 Q. Okay.

16 A. Out from Elizabeth Island behind Phelps Island.

17 People like to (indiscernible), and it's camping ground.

18 Q. Okay.

19 A. On up around 14 Mile Island, across the lake --

20 Q. So up to Sheldon Rock --

21 A. To Sheldon -- yeah, now this is 14 Mile Island. Went
22 around 14 Mile Island, crossing over south of the Narrows.

23 Q. Okay.

24 A. Down to Crown Island.

25 Q. Okay.

1 A. To the Sagamore.

2 Q. Okay.

3 A. Now from past experience, I have to be here with an
4 hour five, an hour 10 to go running at 1400. Excuse me, at
5 1800.

6 Q. Okay, so --

7 A. 1800 rpms. So I make it a point to be at this one.
8 If I have time, if I'm early, I'll swing in there.

9 Q. So what time, what time --

10 A. This is my first, this is what I call my first
11 checkpoint.

12 Q. Okay.

13 A. An hour and five, an hour and 10 minutes from this
14 point to the Sagamore Hotel down to -- that's what it takes me
15 to run to here.

16 Q. Okay.

17 A. At 1800. I, I started south. I was here at, let's
18 see, 12, 1, 2. I was here at 2 o'clock.

19 Q. Okay.

20 A. To 5 of 2, 5 -- right around 2 o'clock.

21 Q. Okay. Proceed down here. My next checkpoint is the
22 Lake George Club, and that's a 40-minute run. The Lake George
23 Club is not on the map here. It's right in this area here
24 because it's just north of the Canoe --

25 Q. Just northwest of the Island?

1 A. Excuse me. It's right off of here, at the old Marion
2 House. It's right in here. That's, that's a 40-minute run.

3 Q. So at that time was roughly what time the Marion
4 house?

5 A. That would make it 20 after 2.

6 Q. Okay.

7 A. At 25 after 2, you're at the Canoe Island. With a
8 half an hour to run, I'm at Cannon Point, five-minute run to
9 here.

10 Q. Okay.

11 A. Another five-minute run to here.

12 Q. To Cannon Point, okay.

13 A. Cannon Point. Now I'm down to Diamond Island.

14 Q. Diamond Island at 1445?

15 A. Diamond Island at 2:35.

16 Q. Now wait a minute. You said you were at the Canoe
17 Island at 1425. Here. Marion at 1420. This is this --

18 A. Yes.

19 Q. -- point right here, 1420. And at 1425 you said
20 Canoe Island?

21 A. Yeah.

22 Q. And then you said it was how long to Cannon Point?

23 A. Cannon Point is a five-minute run.

24 Q. Okay.

25 A. So now I'm at 2:30.

1 Q. Okay, 1430.

2 A. And now I am -- now I'm going to be south of Diamond,
3 from here to here is another five-minute run.

4 Q. Okay.

5 A. So I'm at the, the point where the accident occurred.

6 Q. Okay.

7 A. At 2:35.

8 Q. Okay. Actually you're at south of Diamond at 1435,
9 so --

10 A. Yeah, so that's, that's where it occurred right here,
11 right in here.

12 Q. Between 1435 and 1440, somewhere in that --

13 A. Yeah. I am now at 2:45, I'm at 2:45, I'm at the
14 Boathouse Restaurant.

15 Q. Okay. 2:45 Boathouse. And that's --

16 A. Boathouse Restaurant.

17 Q. Now you're (indiscernible)?

18 A. Yeah.

19 Q. Okay. Okay.

20 A. Okay. It was between here and the Village Estates.

21 Q. Okay.

22 A. That I'm running 300 yards, 250, 300 yards offshore.

23 Q. Okay.

24 A. At 1800 rpms going about 8½ miles an hour. I passed
25 the Ethan Allen.

1 Q. Okay.

2 A. Going north. Ethan Allen passes on my starboard
3 side.

4 Q. Okay.

5 A. I ring the bell, wave to the people and continue on
6 south. He continues on north. It was 200 yards later that the
7 Mohican coming up the center of the lake about 200 yards to my
8 port, which would put them about 400 yards offshore --

9 Q. Off the west shore?

10 A. Yeah. The -- off, off the west shore, yes.

11 Q. Okay.

12 A. This is the land (indiscernible) --

13 Q. Okay.

14 A. -- set of buoys that are in the lake. He was inside
15 these buoys --

16 Q. Okay.

17 A. -- as I was as the Ethan Allen was. We were all on
18 the -- this side of the buoys. He was here, approximately 200
19 yards behind the Ethan Allen.

20 Q. Okay, so you were southbound.

21 A. I was --

22 Q. Ethan Allen was passed you on which side did the
23 Ethan Allen pass you on?

24 A. On my, it was on my starboard side. And the Mohican
25 was on my port side. I was about 250, 300 yards offshore

1 and --

2 Q. So you, you were port-to-port with the Mohican, is
3 that correct?

4 A. Yes, port-to-port with the Mohican.

5 Q. And that was at what point?

6 A. That was between the Boathouse Restaurant or Sunny,
7 Sunnyview Estates and the Village Estates. I passed both of
8 them. First the Ethan Allen, second the --

9 Q. The Mohican.

10 A. Mohican. I -- the Mohican beeped their horn at me,
11 and I replied in same.

12 Q. Okay.

13 A. I rang the bell to the Ethan Allen and got a wave
14 from the people on the Ethan Allen. I then continued south to
15 my dock. There's a set of speed buoys coming down here. The
16 last speed buoy out there, I turned that speed buoy at 2:55.
17 From the speed buoy until you got the boat secure, 4½, 5
18 minutes.

19 Q. Okay.

20 A. I was on dock at 3 o'clock, at which time another
21 tour boat was going out after -- shortly thereafter.

22 Q. Okay. And who was, who was onboard your boat? What,
23 what party was this?

24 A. This was a wedding party. I believe the name was
25 Toligar (ph.), but a -- you'd have to check with the schedule

1 on that one.

2 Q. Now who was -- was anyone on the bridge with you?

3 A. Frank Antos. He's an officiant and captain at
4 Shoreline Cruise, and he was on the boat with me in the
5 wheelhouse.

6 Q. And -- spell his last name?

7 A. A-n-t-o-i-s. A-n-t-o-s.

8 Q. Okay. And again what was his role?

9 A. He was officiant for the, the marriage.

10 Q. Okay.

11 A. And he is a captain at Shoreline Cruise.

12 Q. Okay. A captain still marrying people, great.

13 A. Came in, came in, and it was shortly after that that
14 the manager got the call, and maybe 20 minutes later there was
15 a request. We didn't know what the situation was at that point
16 in time. I then piloted the parasail raft up to the scene, but
17 it was not necessary to be there.

18 Q. What time did you arrive on the scene?

19 A. Three -- the time at that point in time, I -- pretty
20 much lost it. It was 3:30-ish.

21 Q. Okay. And was someone with you on the parasail raft?

22 A. The --

23 Q. On the way up?

24 A. Yeah, Frank Antos rode up with me.

25 Q. Okay.

1 A. Manager from the restaurant and Ginny Quirk.

2 Q. Okay.

3 A. See if we could be of any assistance.

4 Q. And did you -- when you returned on the raft, who was
5 with you when you returned?

6 A. Same.

7 Q. So you didn't pick up anybody?

8 A. At that point in time --

9 Q. Okay.

10 A. -- there was nothing we -- it was situation was being
11 handled by --

12 Q. Sure. Okay. Now how, how far behind the Mohican was
13 the Ethan Allen -- Ethan Allen was first, Ethan Allen was
14 first.

15 A. Ethan Allen --

16 Q. How far behind the Ethan Allen was the Mohican?

17 A. 200, 300 yards.

18 Q. Okay. And when you waved and you rang your bell to
19 Ethan Allen, you said people waved back.

20 A. Yes.

21 Q. Did you recognize anyone that waved at you or was it
22 just --

23 A. Alls we knew at that point in time that Dick Paris
24 was the captain. I mean I didn't --

25 Q. Did you see him?

1 A. Yeah, he -- you could see, he's in the back.

2 Q. Okay.

3 A. He was in the --

4 Q. And roughly how far off the shore was the Ethan Allen
5 when you saw it?

6 A. 150, 200 yards, and I was 100 yards outside. 100,
7 150 yards outside of that, and then the Mohican was 150 yards
8 behind me.

9 Q. 150 yards or 150 feet?

10 A. I'd say yards.

11 Q. Okay. Okay, and --

12 A. As we said, we were all inside that buoy.

13 Q. Okay.

14 A. It's pretty much in the center of the lake. I
15 believe that's 1500 yards off there.

16 Q. Okay. And can you -- when you passed the Ethan
17 Allen, can you guesstimate how fast they were going?

18 A. Crawling. They were just -- I mean it was --

19 Q. Would they have been inside the speed zone when you
20 saw them?

21 A. No, no. They were between Sunnyview and there out on
22 the lake.

23 Q. Okay. Okay. And the Mohican?

24 A. Was a little bit further out yet and was running a
25 fairly substantial bow weight.

1 Q. More than usual?

2 A. No, I would -- usual. It was throwing a big wake.
3 Because I had, and I had to go over the wake --

4 Q. Sure.

5 A. -- of the Mohican.

6 Q. So this -- the wake that you saw the Mohican was
7 running with was -- now it's a pretty, nice, beautiful day out,
8 had a good look at it, it's pretty much what you'd normally see
9 on the lake for all these years you've been working on the
10 boat?

11 A. Pretty much, yes. And there's, there's the initial
12 wake --

13 Q. Right (indiscernible).

14 A. -- and then, then after you get over that one, we
15 just sort of porpoise until we get over those waves.

16 Q. How far was the Mohican in a lateral distance from
17 your, from your boat? How close by did the Mohican pass by?

18 A. 100, 150 yards.

19 Q. Okay. And that would have been tip port with you?

20 A. That was on my port side, yes.

21 Q. Now you make a safety announcement to your passengers
22 that when you pass by the Mohican to sit down or to grab on
23 something?

24 A. It's the stairs that I'm concerned about. I mean
25 someone takes a tumble on the deck, that's one thing, but if

1 they're on the stairs, it's a substantial fall, so if I -- if
2 you're presently on the stairs, we're going to over some
3 turbulent water.

4 Q. Okay.

5 A. Something to that nature. I give them the, the --

6 Q. Besides the Mohican, are there any other occasions
7 where you've noticed wakes in the water, other types of boats
8 throw wakes --

9 A. Some of them, some of the boats that are coming
10 through on half-plane.

11 Q. Uh-huh.

12 A. If I see something like that --

13 Q. How would you describe those, as speedboats or --

14 A. Small, small cruisers that they're running not on the
15 full-plane and not -- and they're just plowing through water.

16 Q. Uh-huh. Did you see any of those that day?

17 A. Yeah, I saw one on pier -- coming out of the narrows.
18 He came out and I had to cross over his wake. It -- but that
19 was a single wave that basically one big wave hit it.

20 Q. What time was that?

21 A. That -- coming across there I have an hour and a half
22 to go, an hour and a half, hour and 20 minutes to go, back it
23 up, because I was here and it takes me another --

24 Q. 2:20?

25 A. No, not 2:20. 2:20 I was -- that's only 40 minutes

1 ago.

2 Q. 1:20?

3 A. 1:20.

4 Q. 1:20.

5 A. Yeah, 1:20.

6 Q. Can you describe that boat for me a little more?

7 A. It was a small cruiser. I can't remember. He's
8 coming out -- one person. He went over into -- he came down
9 this side of the lake. He came out of the narrows and came
10 down this side of the lake. I came down here. I didn't see
11 him again.

12 Q. Okay. Went down to the east side of the lake?

13 A. Yeah. He, he continued down the east side of the
14 lake. That was up by 14 Mile Island.

15 Q. Okay. So how often -- sounds like this condition is
16 fairly frequent where a wake is created and you have to
17 (indiscernible) is this a fairly routine occurrence for you?

18 A. It's not that routine occurrence. It's something
19 that as a pilot you're aware of.

20 Q. Right. How --

21 A. You --

22 Q. -- often would you say that you have to be concerned
23 about a wake?

24 A. That would be determined by the weekend.

25 Q. Sure.

1 A. Weekend or during the week, in the week you may not
2 see it. During the weekend you may see more of it, and
3 different sections of the lake. It's not that normal of
4 occurrence, but, yes, it does occur, and you as a captain
5 you're aware of it.

6 Q. So certainly on weekends you say --

7 A. It would be more likely to occur on a weekend.

8 Q. Now this, this activity is, is -- it's certainly a
9 wake in nature and not just waves, not just rough --

10 A. No.

11 Q. -- activity. Certain a wake?

12 A. It was a wake, yes.

13 Q. Okay.

14 A. Uh-huh. But the (indiscernible) and I mean if, if
15 you have the wind and you have the waves out there, then it's
16 the normal occurrence, but if you -- it's the wake on a boat,
17 the people aren't going to be aware of it.

18 Q. Sure.

19 A. It's going to hit. So you, you --

20 Q. Okay.

21 A. -- if you're on the steps at this point in time,
22 please hold on. We're going to hit some turbulent water.

23 Q. Okay. And so describe the water conditions that day
24 out on the lake in general the water conditions that day.

25 A. Calm.

1 Q. Calm.

2 A. It was a pleasure to dock the boat.

3 Q. And the -- there wind conditions?

4 A. None.

5 Q. Visibility?

6 A. 10, 10 miles, 10, 15 miles.

7 Q. Okay. Do -- have you had an opportunity to -- or
8 let's just back up for a second. Have you experienced any
9 casualties onboard your boat regarding passengers at any time?
10 Have you had any incidents?

11 A. No.

12 Q. Has your -- have you ever had a grounding of your
13 boat?

14 A. No.

15 Q. Any injuries, passenger injuries?

16 A. A slip on the steps.

17 Q. Okay. And the -- I mean what would be the nature of
18 those slip and falls, just passengers going up ladders or --

19 A. No, just --

20 Q. -- on deck?

21 A. -- on deck. Basically intoxicated.

22 Q. Okay.

23 A. And they slip.

24 Q. Okay. I'll just go ahead and have Walt ask you
25 questions at this time.

1 MR. TURRELL: Go ahead, Walt.

2 BY SGT. SCHEDEL:

3 Q. Okay. And a lot has been made of the wake, and that
4 apparently is something that's substantial and considerable and
5 is going to be a considerable part of this investigation or
6 this inquiry. You say that -- I'm just trying to get an idea
7 as to how often a wake is going to affect a boat out there on
8 the water. Try and get some kind of number. So like an
9 average weekend day if you're out on a cruise, and a cruise
10 takes roughly how long? An hour? If --

11 A. That, that's a three-hour cruise, three, four hours.
12 We'll go -- two hours we'll go, go an hour and a half. My
13 scheduled cruise is an hour and a half.

14 Q. Okay. And your normal hour and a half cruise on a
15 busy weekend, where there's a lot of traffic on the lake, how
16 often might you have to take some kind of action or make an
17 announcement change of --

18 A. Every time the Mohican goes by.

19 Q. Right. And --

20 A. That's it.

21 Q. -- about how many times during the course of that one
22 and a half-hour cruise or two-hour cruise, would you have to do
23 that on a normal day?

24 A. I -- the Mohican goes out at 9 o'clock in the
25 morning.

1 Q. Uh-huh.

2 A. We're not out at 9 o'clock in the morning. It goes
3 to the far end of the lake.

4 Q. Uh-huh.

5 A. It comes back in at 2 o'clock. At 2 o'clock, I'm
6 boarding my passengers. I have to hold off boarding the
7 passengers because they throw a wake in and rock my boat, and
8 they hit the shoreline and then it, then it rebounds, then the
9 boat bounces for about 5 or 10 minutes. I have to be very
10 careful when I board the passengers as the Mohican is docking.
11 Then I go out for my cruise. The Mohican goes up the east --
12 no, the west side. When I know it's going to go up the west
13 side, I'll go over to the east side. I'll run my circuit
14 backwards. I'll do everything I can to avoid, and I -- over
15 the course of the summer you sort of know their schedule. They
16 run a Paradise Bay cruise, and I try to avoid their Paradise
17 Bay cruise. They're on the east side. I stay on the -- I mean
18 they're on the west side. I stay on the east side. But this
19 time of the year. Now when I'm running charters, now that's
20 not a normal schedule. We don't leave at noon on a normal
21 schedule, so I left at noon, so that's why at this particular
22 cruise, I passed the Mohican when --

23 Q. Uh-huh.

24 A. -- went out and it was coming down (indiscernible).
25 It goes up the -- I, I assume it was going for a Paradise Bay

1 cruise, because that's the time they leave, and I was coming
2 in, and I want to be on that side of the lake to dock it, and
3 plus the fact that the wedding had to take place on the east
4 side because that's where the officiant has jurisdiction.

5 Q. I thought they just liked that bay.

6 A. I had to be over, I had to be over in Dark Bay to
7 make the wedding legal.

8 Q. Uh-huh. But you also said that there's other boats
9 out there that make waves.

10 A. Yes.

11 Q. I mean obviously the Mohican is not the only one that
12 makes a wave out there.

13 A. Yes.

14 Q. So in, in a normal course, I mean would you maybe
15 once in a normal cruise other than the Mo have to maybe take
16 some action, any action at all because of a wake --

17 A. As I stated earlier that more often on weekends, less
18 during the week.

19 Q. Give me an idea as to how often. That's just -- I'm
20 just looking for a feel. I'm not going to hold you to it.

21 A. Yeah, no --

22 Q. Does it happen more than once? Does it happen two or
23 three times or --

24 A. In the particular three-hour cruise that I, I had, I
25 went over the Mohican wave once and I hit one other wave up at

1 coming across the -- so it was two on that, two on that
2 particular cruise.

3 Q. Would that be average?

4 A. Two on a three-hour cruise would probably -- yeah, it
5 would be average maybe a lot.

6 Q. All right. That's what I'm trying to get at. A
7 three-hour cruise, I --

8 MR. TURRELL: To Dark Bay.

9 UNIDENTIFIED SPEAKER: Three-hour cruise, yeah.

10 SGT. SCHEDEL: That's really only thing I needed to
11 clear up. Just trying to get a feel for that.

12 MR. TURRELL: I'll let Sean, Sean Quirk.

13 BY MR. S. QUIRK:

14 Q. Jim, you were mentioning you (indiscernible)?

15 A. Yes.

16 Q. And then you went to tour boats.

17 A. Yes.

18 Q. And you started driving them. How long did you drive
19 the tour boats?

20 A. Started in '83. I did that, I did the parasailing
21 for five or six years, so that would put me at '88. That's
22 about when the Horicon came on, but in the meantime, I was
23 getting -- I did the tour boats -- I still do them. On
24 occasion, I've driven tour boats this year. But five years,
25 six years.

1 Q. Five, six years you (indiscernible) tour boats. And
2 in those years, have you had a tour with say 40 people or more?

3 A. Yes.

4 Q. How does the boat handle?

5 A. I didn't have any problems.

6 Q. Do you, do you foresee (indiscernible) that you
7 already stated this day was calm.

8 A. Yes.

9 Q. (indiscernible) winds, visibility 10 to 15 miles.

10 A. Yes.

11 Q. Do you foresee a turn, just a basic turn on the --
12 tour boat with 45 people having to flip?

13 A. Well --

14 Q. No other --

15 A. No, no.

16 Q. Out of your six years experience --

17 A. Let me say that we've taken the tour boats with 40
18 people on it to Bolton Landing at night to see the fireworks.
19 We have 1500 boats out there at one time, wakes hitting you
20 from right, left, up, down, and we had three tour boats up
21 there, and we did that for fireworks at the 10-mile run up to
22 the Bolton landing, and we didn't have any problems with boat
23 wakes.

24 Q. In your experience, can you -- would you say that
25 there would be some circumstantial situation to make that flip?

1 A. Yeah. There had to be something because -- well,
2 first of all, one of the things that sort of shook me up, I
3 mean this is a tough experience for all of us. The initial
4 reaction in the paper was wake from a tour boat, a large tour
5 boat. What was I driving? A large tour boat. But it bothered
6 me to that point that I, I don't know how. I know that where I
7 was. I know where the Ethan Allen was, and I know where the
8 Mohican was, but that's my contribution to the investigation.

9 Q. Okay. Outside of that, getting back to
10 (indiscernible) Ethan Allen, you knew where that was. You
11 passed that first.

12 A. Yes.

13 Q. On your starboard side.

14 A. Yes.

15 Q. And the Mohican would be then in front of you.

16 A. Yes.

17 Q. And he had come up on port.

18 A. Yes.

19 Q. Would you be blocking their vision of the Ethan
20 Allen?

21 A. At one point in time I would, possibly, but he, he
22 would be able to see it I mean because we're -- have a closing
23 speed. He's running better than 9 miles an hour. I'm running
24 9 miles an hour. He's running 12, 13 miles an hour north,
25 closing speed 22 miles an hour. He's, he's beyond -- he, yes,

1 he would be able to see the Ethan Allen.

2 Q. You already said the wave seemed to be normal as you
3 went over the Mohican wave.

4 A. Large, normal.

5 Q. And when you ring the bell (indiscernible) --

6 A. Yeah.

7 Q. -- bell, what bell was that? Would you honk the
8 horn?

9 A. No, not, not to the Ethan Allen. The Ethan Allen was
10 on, on my starboard side, and you don't like to use the horn.
11 I just rang the bell and the people wave and this is the
12 tourists, this is what we do. And then the Mohican sort of
13 gave me a beep on the horn and I replied in same.

14 Q. With the horn?

15 A. Yeah.

16 Q. But was the Ethan Allen --

17 A. -- rang the bell here (indiscernible) there.

18 Q. Okay. And the Ethan Allen actually heard a ding-ding
19 of a bell.

20 A. Oh, yeah. I mean the people did because they all
21 waved and the people on my boat waved to them, and -- people
22 like to wave on boats.

23 Q. Okay. Thank you.

24 MR. S. QUIRK: That's all I have.

25 MR. M. QUIRK: Matt Quirk, Shoreline.

1 MR. TURRELL: I'm sorry. That was Matt Quirk from
2 Shoreline. Go ahead.

3 BY MR. M. QUIRK:

4 Q. You said you first started working on parasails. Did
5 you have any experience -- you're operating parasails that was
6 interrupted by the passing of the Mohican in any way?

7 A. Oh, yes, there's a, there's a -- the -- it used to
8 bury the front of the raft. The wake off the Mohican would
9 bury the front of the raft until improvements were made on the
10 raft that that wouldn't happen. We, we had to be very
11 conscious of where the Mohican was when we were -- and this was
12 down the southern basin. Every time they went by we didn't
13 land.

14 Q. Can you think of any activities on the lake that
15 involve boating in any fashion or form that wouldn't be
16 affected by a wake the size of the Mohican's?

17 A. I don't understand your question.

18 Q. Do you think there's any boats that do not have to
19 consider the wake at all during their normal activity on the
20 water, readjust course to negotiate the wake of the Mohican?
21 Is there any -- do you think there are any boats that just
22 don't have to -- just don't have to and (indiscernible)?

23 A. The, the Saint Sacrement may not be rocked by the
24 Mohican. The Adirondac is, is rocked, and the Horicon is
25 rocked. Not -- I mean it's not an excessive rocking, but it's

1 something that you're cruising along, the boat is riding
2 smooth, someone is on the stairs. When I'm on the Adirondac we
3 have also made the announcement please be careful, we're going
4 to be in some turbulent water.

5 Q. If you're in a position where you were -- the
6 circumstances required you not -- did not allow you to be in
7 ideal position to negotiate the wake, if you were taking it on
8 the side or a more vulnerable point of the boat, would you have
9 any concern about that --

10 A. I'm in --

11 Q. -- if you weren't prepared --

12 A. I'm in what boat?

13 Q. The Adirondac or the Horicon.

14 A. I -- would I be concerned? Yes.

15 Q. Of the safety of --

16 A. No, not the safety, no. About the comfort level of
17 the passengers. The boat would rock. It's a big wake.

18 Q. Okay. And then do you know what your maximum speed
19 would be on for example the Horicon?

20 A. Maximum? We haven't seen that in years. I mean I
21 just don't -- I don't run that boat over 2000 rpms. I haven't
22 run it over --

23 Q. What speed do you --

24 A. The speed I run it at or --

25 Q. No, what --

1 A. -- the maximum speed?

2 Q. -- speed at that 2000 rpm.

3 A. At 2000 rpms, I don't run it at that, but I mean the
4 speed I run it at is 9½ miles an hour. We have a GPS on there,
5 and it's 8½ to 9½, depending whether you're running with the
6 wind or going into the wind, and the number of passengers
7 onboard.

8 Q. Right.

9 A. That's what I run it at. What was the top end of
10 that? Maybe 12, 13 miles an hour maybe.

11 Q. Have you ever compared the top end of that to the
12 Mohican like in --

13 A. We can't, we can't stay near the Mohican. We do that
14 on -- once a year on The Great Boat Race, and they bury us.

15 Q. So if you're at maximum speed, how much faster do you
16 think the Mohican would be able to go by you at their maximum?

17 A. Three, two three miles an hour.

18 Q. Faster?

19 A. Faster. And we're -- the top end 12, 12½ maybe on
20 the Horicon. So that would put their top speed close to 15.

21 Q. Thanks.

22 A. Now that's, that's a guess. I don't --

23 Q. Right.

24 MR. S. QUIRK: Sean Quirk, Shoreline.

25 BY MR. S. QUIRK:

1 Q. Just for the record, Jim, I don't have it in my
2 notes. What boat were you driving?

3 A. The Horicon on Sunday, yes.

4 Q. Because I have (indiscernible) the Adirondac. You
5 weren't have to work on --

6 A. Yeah.

7 Q. Okay. You were driving the --

8 A. The Horicon, the Adirondac, I was at the scene, and
9 the Adirondac came through Assembly Point and was proceeding
10 south on the east side of the lake at 3:30.

11 Q. Okay. So --

12 A. So it wasn't, it wasn't anywhere around the scene.

13 Q. When you were -- okay, when you passed the Mohican --

14 A. Yes.

15 Q. -- where was that --

16 A. Well --

17 Q. -- the Adirondac?

18 A. The -- it wasn't in sight. The Adirondac was up at
19 -- okay. They, they were on a, I believe a two-hour cruise,
20 and they left at two there at the Sagamore. It's an hour up
21 and an hour back from the Sagamore. They were up at the
22 Sagamore.

23 Q. They were probably at the most northern end of their
24 tour.

25 A. Yes, they were, yes, at that -- they left at two. At

1 3 o'clock, they were at the northern end of the lake, but you'd
2 have to check when they left and so on, but it's an hour up, an
3 hour back or them. They can run faster than I can. Only boat
4 slower than me is the, is the Morgan and the tour boats.

5 MR. S. QUIRK: Thank you.

6 MR. M. QUIRK: Matt Quirk, Shoreline.

7 BY MR. M. QUIRK:

8 Q. Jim, at eye height in your pilothouse is that similar
9 to the Mohican and the Adirondac?

10 A. The height up there, we're not quite as high as the
11 Adirondac, and I don't think we're quite as high as the
12 Mohican.

13 Q. No. When you're in the Adirondac are you as high as
14 the Mohican for the tidal --

15 A. Yeah, I believe so.

16 Q. At that point, at that vantage point if you were
17 driving the Adirondac at that relative height (indiscernible)
18 would you notice a 40-footer in that -- under those conditions
19 that day? Would you know if you drove by in the village?

20 A. Yeah. I would think so. The, the 40-footers are
21 like ants that are out there all the time around the shoreline.
22 And they're running cruises every half hour. So you would have
23 to be aware that they're there because they're there all the
24 time.

25 Q. So would you be -- how many could you have down in

1 the southern basin at any one time where the big boats depart?

2 A. How many of the --

3 Q. The 40-footers.

4 A. On that particular day, we had two of them out at the
5 same time. Was one on the east shore and one on the west
6 shore.

7 Q. Okay.

8 A. One went out at 2:30 and one went out at 3.

9 Q. Okay.

10 A. In fact we had three of them out, the Adirondac --
11 the, the Algonquin was also out. Because when I got into dock,
12 the last of the boats went out, and I -- when I got into dock
13 at 3 o'clock, a tour boat went out, and there were no other
14 boats, no other Shoreline tour boats at dock. They were all
15 out.

16 Q. At what time was it?

17 A. 3 o'clock.

18 MR. J. QUIRK: Jim Quirk from Shoreline.

19 BY MR. J. QUIRK:

20 Q. Jim, couple of questions I guess. Let me just go
21 back a little bit. You said you met up in the northern end of
22 your trip on that day a boat which was going at low speed
23 during a big wake. Did you have to change course --

24 A. No.

25 Q. -- and caution your people?

1 A. No. No.

2 Q. One other thing, if you could. Any -- I don't know
3 if you can give me an estimate or not. Two things. Estimate
4 of the height of the wave coming off the Mo, and approximately
5 an estimate of what time you think -- now I know the Mo is
6 going to by the (indiscernible) before the wake hits it, but
7 could you give me a estimate from your time?

8 A. I -- at 2:45 I was at the Boathouse Restaurant.
9 Shortly thereafter, 2:48, I passed the Ethan Allen going north.
10 Ethan Allen going north. I'm going south.

11 Q. Okay.

12 A. And about 2 minutes later, 2, 3 minutes later, I
13 passed the Mohican. I'm now approximately 12 minutes out.
14 That puts me at those buoys where I mentioned where the, the
15 wreck is, and that's my, my 12 minutes from there, 10 minutes
16 from the island here, Tea Island, and that puts me on dock 3
17 o'clock.

18 Q. Okay.

19 A. So that, that was the time frame.

20 Q. What time would you estimate that the real heart to
21 this question is the, the estimated time which you think the
22 Mohican passed the Ethan Allen and giving it, I'm not sure how
23 much time you'd give it for that wake to hit it, but how much
24 more time? What time --

25 A. The --

1 Q. -- would you estimate?

2 A. -- okay. So now the, the Ethan Allen is behind.
3 It's going to take the Mohican -- the Ethan Allen is going at
4 approximately 8½, 9 -- he's going about my speed. We were
5 running 8½ to 9 miles an hour, I would guest mate.

6 Q. Uh-huh.

7 A. And I would say the Mohican is running better than
8 13, 14 miles an hour. They would probably get together -- it
9 would pass them somewhere about the Blenheim just south of
10 Hearthstone to Hearthstone, right in, right in that area is
11 where he would pass him, and he would be beyond Cramer Point by
12 the time the wake hit him.

13 Q. Yeah, okay. Is there any chance of that wake missing
14 him and it being perfectly calm in there?

15 A. No. And there's also the possibility that it hit the
16 shore and he's getting the rebound wake like we get into the --
17 at our dock, yeah, hit the shoreline, and then you get water --

18 Q. Double whammy.

19 A. -- coming, coming, and then you have the stern wake.

20 UNIDENTIFIED SPEAKER: Could be two wakes.

21 MR. TURRELL: Anything else?

22 MR. QUIRK: I think that's it.

23 BY MR. TURRELL:

24 Q. Let's go back just for a moment here. Have you ever
25 piloted the Ethan Allen?

1 A. Yes.

2 Q. How long ago was that?

3 A. Tell you the truth, I'm not sure.

4 Q. What years?

5 A. This year, this year.

6 Q. This year.

7 A. But I mean I'm not sure -- I take the boat that
8 happens to be sitting there.

9 Q. Sure.

10 A. I mean it could be the Ethan Allen, it could be the
11 de Champlain. I have to look down. Sometimes I have to look
12 in shore and see which one is still in there because my opening
13 remarks are good afternoon ladies and gentlemen, welcome
14 aboard. I have to see what boat I'm on. Now I do know that
15 the Algonquin -- I mean obviously that's a little bit different
16 configuration, but the other two boats some of the captains say
17 that one boat is different from the other. I haven't seen a
18 difference. So I don't -- I mean -- that often that I see a
19 difference.

20 Q. So when you rode the Ethan Allen, when you drove the
21 Ethan Allen this season, was that during the height of the say
22 weekend on a summer day?

23 A. I'm not sure if I was scheduled on it -- no. I doubt
24 if I was scheduled on it, on a weekend. I may have been
25 scheduled during a weekday.

1 Q. Okay. So have you been on the lake on the Ethan
2 Allen this summer of a busy day on the lake with a lot of
3 boats?

4 A. Have I been on the Ethan Allen on a busy day this
5 summer? Yes.

6 Q. Okay.

7 A. I mean during the course of the summer on any given
8 day, yeah, I would say it was relatively busy.

9 Q. And so the -- at that time has the Mohican passed
10 you?

11 A. That I, I -- tell you the truth, I couldn't remember.

12 Q. Okay.

13 A. I take a lot of trips.

14 Q. So have you ever had a situation on the Ethan Allen
15 where a wake hit your boat whether it's from the Mohican or
16 otherwise? Have you ever encountered a wake that would cause
17 you to take action on the Ethan Allen?

18 A. All wakes you have to take some action. I mean it's
19 a -- just being aware of it, steering into it, the angle. You
20 try not to get it broadside. You know, there's -- you've got
21 to take action on all wakes.

22 Q. What action do you take specifically?

23 A. If you bow into them, you probably are better off.

24 Q. And what do you do with your throttle then to --

25 A. Generally nothing. I mean the speed that I'm running

1 at, now, if, if I was -- no, I don't, I don't throttle
2 differently.

3 Q. Okay. So what's your angle of attack the way you
4 said you go -- try and go perpendicular to the wake, is that --

5 A. If I can.

6 Q. If you can. Okay. Now is it possible that if you
7 get in, in a small enclosed area that your own boat throws a
8 wake if you're turning and you end up right in your own wake,
9 is that possible?

10 A. I don't think so.

11 Q. How does it, the boat handle, as far as the turning
12 speed, the rate of turn? Do you put the wheel over? Is it --
13 does it react very quickly?

14 A. Yeah. You're, you're -- when you're coming into
15 dock, you're steering to control your bow.

16 Q. Would you say the steering is tight and responsive or
17 would you say that --

18 A. The steering is responsive.

19 Q. Okay. Did you experience any difficulties,
20 mechanical problems with bilge or any sort of difficulties or
21 engineering problems on the Ethan Allen?

22 A. What boat are you --

23 Q. Ethan Allen.

24 A. No.

25 Q. Okay. If you could, I'd like you to recount your

1 knowledge that day of where the Shoreline boats were, who was
2 captain, and where they were. I'm trying to get a map
3 basically of, let's -- the two time frames of 2 o'clock and 3,
4 2, 2:30 and 3 o'clock.

5 A. Okay.

6 Q. Start at 2 o'clock, if you can tell me.

7 A. 2 o'clock.

8 Q. Okay. Just start with the five boats. We'll go
9 with --

10 A. No, I'm not sure where all, all the boats were.

11 Q. This is to the best of your knowledge.

12 A. At that, at that point in time, at 2 o'clock, I was
13 at the Sagamore.

14 Q. Okay. So this is the Horicon.

15 A. This is the Horicon. I'm at the Sagamore. I've --
16 I'm not aware of the location of any other boats.

17 Q. Okay. Fine. And let's see here. So the captain is
18 Young. Okay. And so let's just say at 1415 then.

19 A. Now this is at --

20 Q. The Horicon, 1415, 2:15.

21 A. 2:15?

22 Q. Right.

23 A. 15 minutes later, I'm somewhere between the Sagamore
24 and Canoe Island, this stretch of the lake here probably off
25 Cannon -- Cotton Point somewhere in here.

1 Q. Okay. And to your best of your knowledge, at 1415,
2 can you tell me --

3 A. I don't know where the other boats are.

4 Q. You don't know. And at 1430.

5 A. Okay. Now we're at 1430 now I'm off of Cannon Point.

6 Q. Okay.

7 A. And though I have no firsthand information on that,
8 the boats are loading down at -- this is at 2:30.

9 Q. Right.

10 A. The boats are loading passengers. The tour boat is
11 loading passengers. Something is happening with the tour boats
12 down here.

13 Q. Okay, so --

14 A. And I'm not sure at that point in time when the
15 Adirondac is going out. I know it's going out, but I don't
16 know if they have a fall foliage cruise or something.

17 Q. So the Ethan Allen. The --

18 A. De Champlain.

19 Q. -- de Champlain.

20 A. And the Algonquin to my knowledge are down at the
21 Shoreline. I mean I don't know. I mean --

22 Q. Okay, that's --

23 A. -- I don't know.

24 Q. We presume --

25 A. The first I see --

1 Q. Loading, right?

2 A. Yeah, yeah.

3 Q. Okay. And okay, well let's just say the Ethan Allen
4 we know that the captain is Paris.

5 A. Uh-huh.

6 Q. The de Champlain is captained by who?

7 A. Perry.

8 Q. Perry. And the Algonquin is captioned by?

9 A. Hugh Quirk.

10 Q. Hugh --

11 A. Hugh Quirk.

12 Q. Okay. And what, what time -- Ethan Allen was
13 scheduled to leave at what time to your best of your knowledge?

14 A. I assume 2:30.

15 Q. And Perry, the de Champlain, was scheduled to leave
16 roughly what time?

17 A. 3 o'clock.

18 Q. And Hugh on the Algonquin was scheduled to leave at
19 what time?

20 A. That was some type of charter that I'm not aware of.

21 Q. Charter. Okay. And then at -- let's see, you
22 returned to the dock at what time?

23 A. 3 o'clock.

24 Q. Okay. 1500, the Horicon was back at Shoreline. And
25 at that time, can you tell me where --

1 A. The Ethan Allen is approximately at Hearthstone.

2 Q. Okay.

3 UNIDENTIFIED SPEAKER: At what time?

4 MR. YOUNG: Huh?

5 BY MR. TURRELL:

6 Q. Roughly at the time of the accident. 1500 that's

7 around the accident --

8 A. Hearthstone.

9 Q. Okay.

10 A. Cramer Point.

11 Q. And the de Champlain?

12 A. Pulled out of dock as soon as I came in. I came in,
13 tied up, they went out.

14 Q. Pulled out.

15 A. He waited for me to go out, come in.

16 Q. Okay. Okay, and the Algonquin?

17 A. I think was out. Was out or? That, that -- I'm
18 pretty sure it was out. And the, and the Adirondac was out.

19 Q. Now I don't recall you mentioning the Adirondac
20 underway. Did you see them?

21 A. Passed them somewhere in here.

22 Q. Did I, did I miss that?

23 A. No, I didn't mention that. I didn't mention that. I
24 passed the Adirondac in here because they came back down here,
25 and I passed them along --

1 Q. Okay, you passed them --

2 A. -- Point. No. The Cotton Point basin bay somewhere
3 in this area.

4 Q. Okay, what time --

5 A. They were --

6 Q. -- at what time?

7 A. -- heading north.

8 Q. What time was this?

9 A. That had to be 2:15 maybe that's where I passed them.
10 I'm guessing.

11 Q. Okay. Around. And let's see, the Adirondac passed
12 you portside -- side --

13 A. It would be port-to-port.

14 Q. Port-to-port.

15 A. Yeah. I was running the inside.

16 Q. And how far off your beam was he in lateral distance?

17 A. 200 yards.

18 Q. Did you beep or honk or bell on that?

19 A. I didn't. The Adirondac has an obnoxious horn. It's
20 loud. It's loud. John doesn't like to use it.

21 Q. Okay.

22 A. And the bell isn't --

23 Q. Can you -- do you -- what speed does the Adirondac
24 usually run at?

25 A. 12.

1 Q. Does it throw a wake?

2 A. Not significant.

3 Q. Okay.

4 UNIDENTIFIED SPEAKER: I think I'm going to leave.

5 Is that okay?

6 MR. TURRELL: Yes. Hang on just a moment. I'll

7 pause just for a moment.

8 Off the record.

9 (Off the record.)

10 (On the record.)

11 MR. TURRELL: Okay. We're back on the record.

12 Excuse me.

13 BY MR. TURRELL:

14 Q. You said the Adirondac usually runs at 12 knots?

15 A. Yes.

16 Q. And I just asked you if they throw a wake?

17 A. Not significant.

18 Q. Okay. And the Adirondac was being piloted by?

19 A. John Mason.

20 Q. John Mason. Okay.

21 MR. TURRELL: I have -- go ahead. Sorry.

22 SGT. SCHEDEL: Okay, just a couple of questions so I
23 get it cleared.

24 BY SGT. SCHEDEL:

25 Q. If we can go back to time period right around 2:45

1 when you were southbound, Ethan Allen and the Mo were both
2 northbound in the lake, trying to get an idea as to where
3 everybody was in distances here. Okay. About 2:45 you were
4 out at the Boathouse Restaurant. You were running approximately
5 1800 rpms. Correct me if anything is --

6 A. Uh-huh.

7 Q. If I've got any of this wrong. About 300 yards
8 offshore.

9 A. Uh-huh.

10 Q. The Ethan Allen on the starboard side. He was
11 northbound at the time, and he was followed by about 200 yards
12 by the Mohican.

13 A. On the -- on my port side.

14 Q. Right. Yeah, the Mohican at the time was roughly 400
15 yards offshore. In other words 200 yards further offshore than
16 you.

17 A. Yes.

18 Q. Okay. So the distance between the Ethan Allen and
19 the Mohican at that point was roughly 200 yards when they
20 passed you?

21 A. Yes.

22 Q. Okay. And the Mohican, I believe you said earlier,
23 you said 100 to 150 yards offshore and then 100 to 150 feet
24 offshore.

25 A. Yards, yards.

1 Q. Yeah, it's okay.

2 A. We weren't that close. (indiscernible). I may have
3 said that.

4 Q. Okay. And you would estimate your speed to be
5 between 8½ and 9, 9½ miles per hour based on that 1800 rpms?

6 A. Yes.

7 Q. Is there an -- log aboard the boat that shows that or
8 is that just from experience you --

9 A. No. We've had, we've had GPS on there.

10 Q. Okay.

11 A. Hand-held GPS. That's -- on several occasions
12 they --

13 Q. (indiscernible).

14 A. Yeah.

15 Q. Okay. And the Ethan Allen was going some place
16 around 8 to 8½, and that's from your experience as an operator
17 of the Ethan Allen --

18 A. Yes.

19 Q. -- that's generally what it does.

20 A. Yes.

21 Q. And you estimated the speed of the, the Mohican at
22 that time to be roughly 13 to 14 miles an hour?

23 A. Yes.

24 Q. Okay. Do you know -- actually, that's all I needed
25 to know. Little further on with one more question, little

1 further on, we were talking about the times. You said that you
2 passed the Mohican, let's see, 2:45 at the Boathouse, the
3 Boathouse Restaurant or off the Boathouse Restaurant. You
4 passed the Mohican approximately 2:48.

5 A. Yes.

6 Q. -- minutes later, two minutes after you passed the
7 Mohican or you passed the Ethan Allen, excuse me.

8 A. Yes.

9 Q. Let me go back and do that so it's not confusing.
10 2:45, you're southbound off the Boathouse Restaurant.

11 A. Yes.

12 Q. Ethan Allen is northbound?

13 A. Yes.

14 Q. And the Mohican is also northbound?

15 A. Yes.

16 Q. Approximately 2:45 you passed the Ethan Allen on your
17 starboard side.

18 A. Yes.

19 Q. He was inshore of you. And at you said approximately
20 two minutes later, you passed the Mohican port-to-port?

21 A. Yes.

22 Q. Okay. Just so I got that all right. Okay, that's
23 all I need to know.

24 MR. TURRELL: Any follow-ups?

25 UNIDENTIFIED SPEAKER: No. I have no further

1 questions.

2 MR. TURRELL: Okay, Mr. Young, thanks for your
3 patience. If you would just acknowledge you have been
4 recorded, and --

5 MR. YOUNG: Thank you.

6 (Whereupon, the interview of James Young was
7 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 James Young

DOCKET NUMBER: DCA 06 MM 001

PLACE: Lake George, New York

DATE: October 5, 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