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ANNUAL MEETING WRAP-UP

MCBA HONORS TAYLOR, BLUE AND HASLETT (page 4)

Consent Decree Now Public

Waters Open to Gill Netting by Alan Campbell

Concessions made by the State of Michigan will open up vast areas in lakes Michigan, Huron and Superior to gill netting, including all of Good Harbor and most of Grand Traverse Bay.

The revelation is contained in a judge's order granting a motion by the Grand Traverse Band of Ottawa and Chippewa Indians (GTB) covering other aspects of the successor document to a compact signed in 2000 by five Indian tribes, the federal government, and the state.

That document originally expired in



photo: MUCC)

2020, but federal District Judge Paul L. Maloney issued several extensions after disagreements among the parties and

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Captain Frank English

MCBA Looses a Trusted Friend

In Memory of Past President Captain Frank English It is with great sadness we say goodbye to Captain Frank English, who died suddenly on Tuesday, November 29, 2022. Captain English led a storied life on the Great Lakes as a charter boat captain. For more than 20 years, he fished Lake Michigan with clients aboard his boats Just Fishin' and Just Fishin' Too.

In 2003 Frank was elected to President of MCBA where he severed two years, Frank was probably better known for handling the elections at the annual meeting his hustle in acquiring prizes from fishing tackle firms for the annual meeting in-house drawings. Profits from these drawings go into a college scholarship fund. 8

(Continued from page 1) . . . Gill Netting

COVID restrictions delayed progress. Talks have been held behind closed doors, as required under a court order issued by Maloney, with none of their results known.

The door cracked open with Maloney's order, which was signed December 2, 2022.

Depending upon the source, expanding gill netting to the extent revealed by Maloney's order will severely hamper the sport fishery, including charters run out of Fishtown, or have little overall effect.

"We're gratified with the Court's decision, but it's also a reminder of how disrespectful the state has been to the Tribe," offered Bill Rastetter, an attorney from Centerville Township who has been representing the GTB since the 1980s.

Two 19th century treaties reserved to Indians the right to fish in much of the western Great Lakes basin within Michigan's boundaries. The treaties were ignored by Michigan regulators until a landmark federal court decision in 1979, which led to agreements in 1985 and in 2000 that equally divided up lake trout and whitefish stocks between state-licensed fisheries and the tribes.

"Under the Constitution, those rights are superior to the privilege of us non-Indians licensed by the state," continued Rastetter, who is not a Tribal member. "Yet for several years GTB has been told by the MDNR that, 'You can't fish there in your traditional waters because it interferes with our fishers. So, the federal court's decision is vindication. But please understand how

Newsletter Deadline

The next issue of the Cannonball Gazette will be published in March. Submissions **must** be in by **February 28, 2023**

Send photos and news items to: larry@saginawbay.com

reasonable GTB has been in these negotiations. In much of the treaty-reserved traditional waters, GTB has agreed not to fish with nets in the summer months, and GTB hasn't demanded a greater share of fish to make up for almost total collapse of the whitefish since 2000.

Email and phone requests seeking comment from assistant state Attorney General Karen Drake, who argued the state's case before Maloney, were not returned before deadline. The state's handling of negotiations has come under fire by several organizations representing sport fishing groups including Michigan United Conservation Clubs.

The groups formed the Coalition to Protect Michigan Resources, which filed a motion seeking a seat at the negotiating table to better advocate for their interests. Maloney denied the motion. Lansing-based attorney Steve Schultz represents the Coalition. "We are pleased that the judge described what's been going negotiations so people can see what we've been dealing with for the past three years, Schultz said. "It's the public's opportunity to see how things are going to change, and in many eyes necessarily for the best."

Coalition groups favored renewing the 2000 agreement with no or few changes.

Rastetter makes note of the Tribe's agreeing to maintain the basic allocation of lake trout, something that had not previously been disclosed. The result. he explains, is that GTB commercial fishers will continue to harvest far less fish due to the collapse of highly sought whitefish stocks, which were the primary target of netters in 2000 when allocations were set.

But salmon numbers have likewise sunk, leaving sport fishers to also concentrate on lake trout to fill their creels. Schultz counters that allowing Tribal gill-netters

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access to more waters will put them in positions to operate where trout are concentrated and available to hook, and-line sport fishers. "If there is a honey pot (of fish) out there, (Tribal fishers) can get that first," he said Schultz also noted that Judge Maloney cited a lack of biological information that could have been provided by the state to indicate how Tribal requests would harm the resource, Per Maloney, "The State does not seek to reduce the amount of gill net effort for conservationist reasons; the State seeks to regulate GTB's gill net fishers."

Maloney specifically rules in favor of the GTB in five areas. including allowing smallmesh gill nets for perch near the Lake Charlevoix channel. 'The 2000 consent decree does not specifically regulate perch netting, although nets were not allowed in a few zones for safety reasons and to separate user group eyes it's not necessarily for the best."

Fishtown charter boat captain Tony Radjenovich, who is president of the Coalition to Protect Michigan Resource, is worried about the indiscriminate nature of gill nets, which kill everything from bass to salmon. The Leland Township resident estimated that up to 11.4 million linear feet will be used in Lake Michigan when all the days of commercial fishing during a season are added up.

"And we're not even talking about what will be allowed in Lake Superior, how are they going to ensure that this new decree will protect the resource? How is this increase in gill nets going to allow other user groups an opportunity to catch their allocation? I'm saying they haven't worked out all the issues. How are they going to account for all that waste?" Radjenovich asked.

Elmwood Township charter skipper Jeff Shaw takes his clients on Grand Traverse Bay in sections that are now off-limits to gill nets but will soon be opened. "We have a fantastic fishery out there, and it's been shared for the past 20 years. That's worked well for all of us," he said. He also harbors safety concerns with placing commercial fishing nets in busy boat lanes.

As supervisor of Elmwood Township, Shaw is also keenly aware of the need to inform citizens about the actions of their governments. He's disappointed in the secretive nature of talks between the state and tribes. "It's going to affect hundreds of thousands of people, and (citizens) have had no input ... the state kind of threw us under the bus," he added. **8**



Lake Erie &
Lake St. Clair
Captain Henry Walters
MCBA Director



Well, that's a rap for the 2022

fishing season. By now everyone's boats should be on dry dock.

Time to start thinking about next year's season and what maintenance needs to be done to the boat for spring inspections if needed.

I have to renew my coast guard license. This will be my ninth one. (I guess this means I'm getting old!)

The 50th celebration was great with good attendance and great programs throughout the day and evening. Thanks to all who attended.

The 2022 season was pretty trying with the cost increases of gas, boat wells, and storage for the bigger boats, insurance and bait and tackle (which at times was hard to find, at my end anyway).

All this forced me to raise my prices – which I haven't done in years. Thankfully my season still ended up being a good one. The fishing was great and sure can't

From the Helm . . .

THE

Greetings from northwestern Michigan. In my region the snow came early

and deep this year. Nearly two feet just at the beginning of the deer hunting season. Snow that deep makes deer hunting pretty hard. Deer hunting is our favorite late fall activity after closing the charter season.

Fortunately, the snow and bad weather did not interfere with our 50th Anniversary Fall Conference which was held on the weekend of October 15 in Lansing.

There were many positive comments from those who attended. It was pretty agreed that the MCBA 50th much Anniversary celebration was a areat success. The topics were timely, and the guest speakers were very informative, we all enjoyed the good food, and the very well attend hospitality events. One of the great benefits of our weekend conference is the opportunity it provides for catching up with old friends and captains from all areas of our great state.

In addition to the informative program sessions, there were some outstanding events at our Saturday evening program.

Our 50th Anniversary Dinner Celebration began with a Champagne Toast to our 50 years of service to Michigan Captains. A booklet, with the history of the 50 years of the association, authored by past president Captain Joe Wolff, was placed at every table setting. Special memorial words were spoken for the loss of Captain Wolff, who passed away suddenly, shortly after completing the 50 years if the association history project.

In addition to speaking to the group and answering questions, Senator Jon Bumstead awarded the Michigan Charter Boat Association a special 50th Anniversary proclamation passed by the legislature.



Senator Jon Bumstead; President Bill Winowiecki

Our guest speaker for the evening was Dr. Bill Taylor; Dr. **Taylor** is Distinguished Professor in Global Fisheries Systems at MSU. Dr. Taylor has spent more than 40 years of work on the Great Lakes fisheries ecology. His presentation was extremely informative and well received.



Dr. Bill Taylor; Charles Pistis Association.

Following his presentation, Dr. Taylor was awarded The MCBA Pistis Award, which is given annually to an individual or organization that has contributed significantly to the goals of our

The Annual MCBA Award was given to retired Captain Denny Blue. Capt. Blue

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chartered both in Michigan and Florida. He is the author of three books related to his life as a charter captain, and as an executive of the Ford Motor Co. Capt. Denny Blue won many records for fish caught in Florida and other countries. Capt. Denny is a much loved and respected retired member of the MCBA.



President Bill Winowiecki and Captain Denny Blue

A **Special MCBA Award** was given to Linda Haslett for her many of service to



Linda Haslett; President Bill Winowiecki

the Association In addition to her many years of working at the trade shows on behalf of the Association, Linda was the primary creator, editor, and distributer of the Associations fund-raising cookbook. Our scholarship funds have benefited greatly from her outstanding and dedicated work.



Congratulations to Scott Anderson of Northwest Charters of Traverse City on winning the \$5000 trip package. His name was drawn following dinner from a list of all the captain members present.

As President of the Association, I would like to extend a special thanks to all the planners and participants. It was a great meeting, and a celebration worth remembering.

Moving on to the ongoing news and business of our Association.

The Good News is that the Lake Michigan west coast is scheduled to receive an increase of up to

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1 million King smolts. We are all excited about this. The salmon fishing has slowly been getting better the past few years. This should continue the trend.

The "Bad News" and continuing old business is on the subject of the Tribal Decree.

The Coalition to Protect Michigan Resources (the CPMR) has filed a motion to intervene in the Federal Court lawsuit and negotiations that have been going on for over three years. The MCBA is member of the Coalition along with the MUCC, the Steelheaders and several other organizations. Our motion was denied by Judge Paul Maloney, though he did rule that the Coalition will have a chance to object to any settlement that the other parties may agree to.

The Coalition has appealed the Judge's decision to the Federal 6th Circuit Court of Appeals. The parties have now come to an agreement on a proposed new decree and there will be at least a couple of hearings before Judge Maloney in the next couple of weeks. The coalition strongly disagrees with several issues in the proposed decree, most importantly as related to expanded gill netting. Judge Maloney has extended the old decree indefinitely until all parties can come to a settlement.

In addition to all of this, the Sault Ste. Marie tribe has filed a motion to withdraw from the negotiations, abandoning the agreements that have in place since 1985, and to "self-regulate". That could mean that they will fish whenever they want, with whatever gear they want, and wherever they want in all treaty covered waters. In my view this presents the greatest risk to the sport fishery since 1985. A status conference has scheduled been December 16th where there will be updates to determine where the parties stand.

This is very serious if you own and operate a charter fishing business in the Great Lakes.

I really don't know where this is headed. As I've stated before, the members of this organization, many other organizations, and even members of the public need to get fired up. Unfortunately, it's hard to fire people up when many of the facts are concealed because of a confidentiality agreement. The motion by the Sault tribe is a preview of things that could happen! This risk really shows the importance of the funding we will continue to need in order to be represented by our legal team.

If we are unable to legally quash this challenge to the whole consent decree, I am afraid that things may go back to what it was in the late 1970's and early 1980's. There are only a few of us left who remember all the damage to the fishery and the social unrest that occurred during those years

Me? I am truly tired of writing about this every quarterly newsletter. It has to be understood that we are exploring every avenue, with the goal of protecting the fishery, and pushing forward to come to a conclusion we can all live with. This has been really hard while the State and Tribes are using the court to fight our participation in the negotiations. We have to stay with it, or the fishery will fail. As of December 12, the proposed Consent Decree was made public, and is available for all to see. It is posted on the MCBA website.

Please be safe during your Holiday Season. **8**

Captain Bill Winowiecki President Michigan Charter Boat Association

ALL TRIBAL DOCUMENTS ARE HERE

https://mcbamembers.com/treatydocuments/

SECRETARY'S REPORT



By Captain John Giszczak

Motor Fuel Gas Tax refund for Charter Boats

After talking to a number of captains, I realized there are still a number who are not

claiming the "road" fuel tax for their charter operations. It's a fairly easy procedure albeit a little time consuming on your part but well worth it. To qualify "charter boats must have certificate of inspection from DNR" showing you are a commercial vessel. The entire process must be done online. The way to sign up for the rebate is to call the Motor Fuel Tax Division in Lansing 517-636-4600. Once you are registered, the whole process is online only. You will be required to scan your receipts (must be scans of the original invoices) and submit them on the state website -

You must file a refund claim within 6 months of the date of purchase. If you trailer your boat and purchase fuel from a gas station I don't know if you qualify but the folks in Lansing will tell you how if it's possible. My fuel is purchased at a marina with a detailed receipt, name of business, address, phone, exact amount of gallons purchased, marked "paid in full", signed and dated by the marina. Most marina fuel docks provide similar fuel invoices. For fuel purchased January 1, 2022, and after – Gasoline rebate is \$.272 per gallon - Diesel Fuel \$.272 per gallon The people that staff this division are very helpful and actually answer the phone. They will guide you through the registration and submission steps.

Motor Fuel Tax Division 517-636-4600 8

Merry Christmas



Visit MCBA Industry News & Events: MCBAmembers.com

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complain about the weather!

The only down side was the weekend boat traffic this year. It was almost unbearable even with the high gas prices it didn't slow down the boats! There were crowds of boats from the NE corner of Anchor Bay to Gull Island and all the Bays and sand bars. The water was high and boats would cut all the corners. Well, that's what's on my mind.

I hope everyone has a Merry Christmas and a great upcoming New Year. 8



The Annual Fall MCBA Meeting was held at The Radisson Hotel at the Capitol in Lansing. This

year it was a special event celebrating

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God bless America and our troops

"CANNONBALL GAZETTE"

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LAKES ST. CLAIR AND ERIE

Henry Walters • (586) 725-3678 7103 St. Clair Ave • Fair Haven, MI 48023 MCBA's 50th Anniversary. I thought the program was excellent. The morning Coffee & Conversations with the Michigan DNR was a hit. Members got a chance to sit and talk with Chief Dexter and other fisheries managers, weir biologists and fish production managers. Thank you to the 50th anniversary committee and Capt. Maxine Appleby for planning this event. It was very well done.

As many of you know the Coast Watch website, we used for many years was discontinued by MSU Sea Grant and turned over to NOAA's Great Lakes Environmental Research Laboratory (GLERL). The product they have out now shows images that are an average of surface temperatures over a period of several days and are not much use to fisherman looking for current surface temps. There is work being done to bring back real-time images. Hopefully we will have something like the old Coast Watch back for the 2023 season.

There are plans in the works to bring back the Ludington Fisheries Workshop this winter. Tentative dates would be one of the last two Saturdays in February. More info will be available on the Michigan Sea Grant website — Fisheries Workshops page in January.

If you are interested in providing news from your area of our region, please give me a call at 231 425-8723. Wishing you and yours a safe and happy holiday season. **8**

A View from over the Transom By Captain Jim Fenner

I'd like to talk about our successful 50th anniversary

meeting, which was very good and very worthwhile, however, I know that it has been covered elsewhere in this newsletter so I will move on to two issues of great importance. First, there is a looming crisis in our state and our fishery that demands our attention the most at this time. It is the crisis caused by the failure of the extended negotiations process associated with the lapsed consent decree.

It is more dangerous than most realize. Only a few of us are old enough to have been around for, or even been part of, the confrontations and violence that took place in the seventies and early eighties between tribal and non-tribal fishermen on the Great Lakes. The most dangerous confrontations occurred on Lake Michigan in the waters from Grand Haven to Traverse City. Tribal fishers were setting gill nets in many prime fishing locations without regard to for the consequences to the local fishery. Threats were made; violence occurred in several places. Captains were arrested by federal police. There was a clear and present danger that people on both sides might die as a result of the conflicts. The first consent decree resolved the conflicts and cooled the tempers.

It could happen again. At least one of the five tribes has decided it does not need to abide by the lapsed decree and wishes to resume fishing where ever and by whatever means it chooses; setting its own rules, regulations and quotas. If this is allowed to happen, major conflicts are almost certain to occur. If the tribe chooses to set high quotas, the fishery for all sport species could be destroyed. The threat is especially dangerous for Lake Trout. It has taken decades to restore the Lake Trout stocks in Lakes Michigan, Huron and Superior, to levels that support having a charter fishing industry. Without specific controls, as in the previous decrees, the fishery could be wiped clean in only a few years, destroying the charter industry. The threat is real and growing.

Because of the apparent structures of

the state and federal negotiators to allow for the input of the sport fishing coalition, the coalition has been unable to participate and promote the facts and history that would support the rejection of their rumored inclination to remove the strictures of the now lapsed 2000 consent decree. That would perhaps allow the return of gill net fishing in areas where it has long been banned.

The coalition has tried every ethical and legal means to regain its ability participate. Currently, write, the as I coalition has filed in the 6th circuit court in Cincinnati, appealing their exclusion from negotiations. While there is agreement confidentiality for the negotiations, all the legal filings are public. Much can be learned from reading them. They can be found on the MCBA website. I encourage all members to read them. These filings explain the terrible situation that exists at this time.

Meanwhile the Michigan federal judge has extended the negotiation indefinitely. At the same time the Sault Saint Marie Tribe (SSMT) has petitioned to be removed from the consent decree and be allowed to do their own thing, fishing anyway they want, anywhere they want inside treaty waters. See: 2022.11.14 SSMT Motion.pdf; also please see: Case 2:73-cv-00026-PLM ECF No. 2040, Page ID.12147 Filed 12/02/22. Other legal postings on the MCBA website further explain the difficulties the MCBA and the coalition are facing.

While the consent decree issue is by far and away THE Single most important issue facing the Association just now, there is another issue, one close to my heart, that I would like to bring to your attention. You may have noticed that the MSU Sea Grant Coastwatch site: www.coastwatch.msu.edu, site no longer exists as it did for nearly 24 years. For unknown reasons MSU Sea

Grant made a decision to discontinue this 'near real time' Great Lakes temperature chart program. It is baffling why the decision was made to discontinue this important and highly successful site. The Great Lakes Coast Watch Node Manager of **GLERL** (Great Lakes Environmental Research Laboratory - a division of NOAA) in Ann Arbor, Andrea J. Vander Woude, Ph.D., has stepped up and agreed to recreate a similar program at GLERL. But it isn't the same, at least not yet. The posted temperatures are averages over several days, negating the most important advantage of the now discontinued MSU Coastwatch, rendering it far less useful. Please go to you favorite CW page; go to the bottom and register your desire for 'real -time images and isotherms as in the original program. Perhaps if enough of us ask for it to be the same as the now defunct program, it will be done and ready for the next season. Please do it now. Thanks 8



MCBA Congratulations on the 50 year milestone.

In this article we would like to share some details around an endorsement that is available. If you have questions about this endorsement or another endorsement, please give us a call.

LOSS OF BUSINESS INCOME COVERAGE

Loss of Business income (also known as Business Interruption) coverage is an endorsement available to a policy holder to purchase for additional premium by most insurance companies.

This coverage is to indemnify a charter vessel owner for loss of charter income for previously booked charters or daily fare operations that cannot be fulfilled because the insured vessel is out of service due to a covered loss under the Physical Damage part of the policy. The policy holder will have to provide proof the charters lost were actually booked. This coverage must be purchased prior to having a damage loss, you cannot purchase it after you have the loss.

The insurance company will typically have multiple coverage limits to choose from, and it may set a max daily payment until the total coverage purchased is maxed out. The average coverage could be up to \$25,000, but lower or even higher limits may be available.

Restrictions, exclusions, and deductibles will always apply. Often the "deductible" would be a set number of days. A 7-10 day deductible of business loss prior to the income being paid business The deductible begins after the typical. covered loss occurs. Ιt responsibility of the insured to get all repairs completed as quickly as possible and resume operations.

This is one of many coverage enhancement endorsements available to charter vessel owners. Please contact our office if you would like a quote for adding this coverage. As always be sure to read up on your individual policy to understand the responsibilities of the policy holder should you incur a loss.

Thank You and Have a Merry Christmas!

Gallagher Charter Lakes Insurance www.charterlakes.com
800-879-2248 8

Thank you to everyone who attended the MCBA 50th. We had over 100 people for dinner! So great to meet new captains and see old friends, especially Chuck Pistis. Thank you Dan O'Keefe MI Sea Grant for excellent

moderation. Bill, your champagne toast was outstanding. But the credit for the success of the 50th event should be given to committee members: Denny Grinold, Jim Fenner, Harold DeHart, Chuck Pistis, John Giszczak, Dennis Blue and Holly Engel. WE DID IT!

MCBA Past President
By Captain Harold DeHart
Hello Fellow Captains.

As I write this, having recently put up the outdoor holiday decorations, the grass is green, but the wind continues to howl. It is my hope that these continual winds will blow themselves out so that the next boating season will be much calmer for all of us.

This little diatribe will offend some, but I feel the sentiments are necessary. Having attended the last 50th MCBA anniversary annual meeting I was very pleased that the work of the hard conference committee resulted well-done in а meeting. It was informative, interesting, and culminated with one of the best raffles we've ever had. However, there was a glaring omission that, I believe, cannot be overlooked. That omission was the deletion of having Ret. Lt. Commander, Chuck Kakuska, on the agenda. Many of you know and have availed yourselves of Chuck's expertise in running the gamete of the continuing changes in Coast Guard rules and regulations from year to year. It is my understanding that this year there important changes were that membership would have benefited hearing about. Chuck has been a friend of MCBA almost since it's inception. I can personally remember closing the bar, with Chuck and others, in the early days of our meetings in Mackinaw City. To not have given him a short period of time to address the membership, I feel, was an affront to him. It is my sincere hope that

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MCBA will reach out to Chuck and bring him back into the fold.

On another note, I am saddened by the news of the passing of Capt. Frank English on Tuesday 11/29. As you may know, Frank was a past president and was very instrumental in putting together the annual conference raffle program. He undergone some serious medical issues in the past two years but recovered nicely and did another exemplary job with this past year's conference raffle. I sat with Frank and his wife Linda at dinner and had many laughs. We were shocked to hear of his passing. Please keep him and his family in your thoughts and warm memories. Warm Regards, Capt. Harold DeHart 8

USCG LICENSE RENEWAL HELP:

Lt. Commander, USCG (retired) Charles "Chuck " Kakuska a Maritime Licensing Specialist , has been assisting MCBA members for the past 20 plus years. recommend him and appreciate his continued services to our association. Give him call at (734)847-1723 SEAKsLic@aol.com for help with your USCG renewal. 8

SHOW TIME



Show Chairman - Vise President Captain Rich Haslett - Past President 248-542-1563 taloncharters@gmail.com

2023 Sport Shows

MCBA will be doing the sport shows for the 2023 season. We didn't participate for the last couple years due to covid. ShowSpan has been in constant contact and is pleased that we've decided to return.

Here are the dates for the 2023 shows:

- Ultimate Fishing Show, Novi MI, January 12-15
- Outdoorama, Novi MI, February 23-26
- * Ultimate Sport Show, Grand Rapids MI March 9-12

If you plan on attending, please stop by and say "Hello" **8**

TAKE ME FISHING



(L-R Past President's) Frank English, Dick Stafford, Harold DeHart, Rich Haslett, Senator Jon Bumstead, Dennis Grinold, David Kimar, Eric Andersen and President Bill Winowiecki (missing from photo Jim Karr)



PDF book can be downloaded at mcbamembers.com/50th/





'In God We Trust'

Official Publication of the Michigan Charter Boat Association • www.fishmcba.com







The following companies helped us out this year and contributed to the Annual Membership Dinner Raffle to support the Fisheries Education Fund.

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- Pro Troll Fishing Products

- Ray Troll Soho Coho
- Sonny's Fishing Center / Shark Products
- Warrior Lures
- The Woodstock Line Company Inc. https://theanglersconnection.com/ (Member benefit, Woodstock has extended discounts for MCBA members ONLY into March 2023 for lead core line, call 860-928-6557 and mention MCBA)

Please Don't Forget
To Thank These
Fine Companies 8

2023 Membership Renewal

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All major credit cards are accepted
Your Drug Program Expired
12/31/22

Stay Compliant - Renew Today!