



# cannonball G A Z E T T E



OFFICIAL PUBLICATION OF THE MICHIGAN CHARTER BOAT ASSOCIATION • WINTER 2010

## ANNUAL MEETING WRAP-UP



*Learning to Make  
Our Charter Businesses  
Even Better!*

MCBA  
ANNUAL MEETING  
October 15, 16 & 17, 2010  
in TRAVERSE CITY



*MCBA President Richard Haslett presents Pistis Award to Bob Garner, former host of Michigan-Out-of Doors (above) and the MCBA Award to Mary Bowling, Capt. Emil Dean's sister, accepted the award on Dean's behalf. (left).*



### TRAVERSE CITY HOSTS MCBA ANNUAL CONFERENCE

By Capt. Terry R. Walsh

Charter captains and their wives from throughout Michigan gathered at the Holiday Inn on West Grand Traverse Bay for the MCBA Annual Conference. The mid October weekend was bathed in sunshine and the shoreline hillsides painted with late autumn colors. Incredible beauty.

The weekend started with the traditional Friday night hospitality suite, well provisioned by board member John Giszczak. Captains, their wives, mates, and guests renewed old friendships, made new ones, and exchanged fishing stories from days gone by well into late evening.

Saturday morning started with 0800 registration and a splendid breakfast buffet. An hour later the main program was underway with opening remarks by President Richard Haslett and the introduction of Mark Breederland, Northwest District Extension Educator, as moderator.

Roger Greil, Aquatic Research Lab Manager at Lake Superior State University, gave an interesting presentation on the University's Atlantic Salmon Program, which first started in 1977. This is a "totally student-involved program," Greil said, "from the collection of eggs, rearing of fry, and the eventual stocking of the young smolts." The program has resulted in an exciting fishery in the St. Mary's River during the summer months. Michigan's Fishery Division is studying the University's program closely, while considering the practicality of their own Atlantic salmon program.

Dan O'Keefe, Southwest District Extension Educator, provided an update on the Asian carp problem. (The DNRE has an Asian Carp Control Plan in place and it can be viewed on the Michigan.gov/DNR web site.) He noted the State of Illinois has allocated 2 million dollars to the Big River Fish Company that would export 30 million pounds of carp to China by 2012.

O'Keefe also presented some interesting data from his recent "Charter Customer Survey." The majority of charter clients (69.5%) are family members and friends with business associates making up the next largest group (19.9%) Word-of-mouth continues to be the primary source of client information (55%), followed by MCBA's website (34%) and captain's websites. O'Keefe found customer loyalty still remains strong with 53% returning to their favorite captains. Also, the majority of clients (68%) now take half-day trips. A glaring statistic is the impact the State's economy has had on charter fishing. "In 1985," O'Keefe said, "26,252 clients came out of the Detroit/Flint area alone, and by 2009 that number had plummeted to 2,314. The rest of Michigan provided 15,608 charter clients in 1985, and that number dropped to 6,188 in 2009." Roughly 30% of clients come from out-of-state.

What do clients look for in selecting a captain? "People are looking for a friendly captain and mate and a good-sized boat," O'Keefe said. "The average charter party spends over \$1,200 on their fishing trip, and they want to have fun and feel safe on the water."

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## From the Helm . . .



"If you seek a beautiful peninsula, look around you." Nowhere could this have been more evident than the October weekend of our Annual Conference on West Grand Traverse Bay. We are truly blessed to live in a state filled with forests and surrounded by the greatest freshwater lakes in the world. But these life-sustaining waters are in grave danger right now. Over 180 different invasive species threaten to destroy their economic and recreational value to the people of our great state and all who come to visit us. Lake Huron has already lost its once superb salmon fishery, and Lake Michigan's fishery is in serious trouble.

The November elections have passed, and we've seen the impact a united citizenry can have on its government. Those who ignore the will of the people are gone. We must travel this same road to save our Great Lakes to insure our children and generations to come may enjoy them as we have. I challenge each and every one in our membership to write your senators, congressmen and state legislators and demand they take immediate action to end, once and for all, foreign species from


entering our Great Lakes. We have a moral responsibility to the lands and waters in our stewardship to do this.

On another front, MCBA's Random Drug Testing Program is under USCG audit and temporarily shut down. Steady progress is being made in the writing of a completely updated drug program that will meet the needs of our membership well into the future. We are in regular contact with the USCG and they with us as we move forward in this endeavor. We will have a final draft ready to present for their approval by the end of December.

MCBA is also working with the Michigan Sea Grant Agents to set up important informational sessions regarding new USCG regulations that went into effect on 01 October 2010.

Of critical importance will be the individual captain's responsibility in writing his own personal drug policy and his plan to implement it. I strongly encourage you to attend one of the Sea Grant spring sessions.

MCBA is over 600 strong. We are a major player in the Great Lakes scheme of things. United, our voices will be heard. United, we will make a difference. We owe the generations to come no less.

Captain Terry Walsh  
President - MCBA 

## Visit MCBA – Members Area @ [michigancharterboats.com](http://michigancharterboats.com)



## \*Updated Daily

### "CANNONBALL GAZETTE"

is published by the  
**MICHIGAN CHARTER BOAT ASSOCIATION**  
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“Charter fishing is a major contributor to the State’s economy,” O’Keefe concluded. “Between 1990 and 2009 it resulted in nearly 60 million dollars and 3.2 million employment hours generated for Michigan.”

Dr. Howard Tanner, Father of the Great Lakes Salmon Program, was our pre-luncheon speaker, and anyone getting hungry quickly forgot all about it. The man is a genuine legend. His focus was a condensed history of the Great Lakes Salmon Program. We all know the story. We’ve read volumes on it. But until you’ve heard it personally, passionately, from him you have not heard it as he experienced it.

“It was definitely a moment in time,” Dr. Tanner began. “We had at most 180 fisheries people managing the Great Lakes. Our focus was stocking inland waters with hatchery trout and trying to find ways to rebuild the lake trout fishery in the Great Lakes. Then at the height of the alewife die-offs ruining Lake Michigan’s summer beaches, I received a phone call late one night. Oregon had a surplus of 1,000,000 salmon eggs. Was I interested.?”

And so it began—the greatest freshwater salmon fishery the world would ever know. One man. One vision. One goal: “The greatest good for the greatest number of people for the longest period of time” (Tanner). The history of Great Lake’s fishing would be forever changed.

The afternoon sessions began with Breederland’s introduction of “The Panel of Experts”: Dr. Kelly Smith, DNRE Fisheries Chief; Bob Garner, Michigan Natural Resources Trust Fund; and Dr. Howard Tanner. The theme: “Fisheries Issues.”

The Asian carp issue was at the forefront, and Dr. Tanner likened it to “the biological equivalent of a Pearl Harbor,” and said, “It’s our job to stay on top of this issue and the people are going to have to lead the push by making their voices heard in Lansing and Washington.”

Dr. Smith addressed captains’ concerns of the poor fall salmon returns and their perceived lack of three-year-old fish caught. “We believe this is largely a weather-related issue, and that the runs are just late do to an unusually hot summer and warm fall. We’ll be able to make a better assessment once all the data is tabulated.”

The day’s sessions wrapped up with a CPR presentation by the American Red Cross and a guided tour of the Maritime Academy’s training vessel State of Michigan. This writer opted for the latter. The ship has an interesting history in addition to training cadets for licensing as port captains and engineers.

Bob Garner was the featured dinner speaker, and his commitment to conservation is extensive. Most know him as the former host of Michigan-Out-of Doors, but he has played major roles in significant conservation legislation. He was appointed to the Michigan Natural Resources Commission by

## MCBA CENTRAL

By Captain Ron Dubsky

### 2011 APPLICATIONS

Many applications are being returned with the DNR Vessel Inspected box not checked. Make sure this portion is checked or your application will not be processed. Also with the new data base being implemented please fill your application out completely.



### FORMS AND WEB INFO

We have all forms needed here at central. Call if anything is wanted. (800)622-2971. The WEB site is being updated. Check your information and I repeat do not call central if there is a mistake or changes are needed, go to MEMBER INFO on the front page of our site and then go to WEB UPDATES. Follow instructions. This will be sent directly to our webmaster and she will make the changes.

### EMERGENCY CHECK LIST

Many applications have requested for a new emergency check list for your boats. You can download and laminate one from our web site. Again go to member info and then click on LOGOS & ADS and download the MCBA check list.

### USCG RENEWAL QUESTIONS

We have had quite a few calls here at central regarding the renewal packet for your USCG license. We have the services of a retired USCG Licensing Specialist Lt. Commander Charles (chuck) Kakuska who will help answer any questions you have. His number is (734)847-1723 or e-mail at seakslic@aol.com.

### BOAT US

A reminder that your association is a member of boat US Your group number is GA80493B. Make sure and use number when shopping.

Have a safe winter! 🐾

Gov. John Engler in 1999, a post he held until 2006. Garner helped develop the Michigan Natural Resources Trust Fund and worked on legislation that became Michigan’s Wetlands Protection Act. He served as a legislative assistant to State Representatives and the House of Representative’s Speaker. Garner has dedicated his career to the cause of conservation and the education of the public in the wise use of our natural

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## SECRETARY'S REPORT

By Captain Jim Fenner



The Annual Conference was held in Traverse City at the Holiday Inn, October 15-17. Most everyone enjoyed it. Perhaps the highlight of the day program was a presentation by Dr. Howard Tanner detailing the creation of the salmon fishery in Michigan. Dr. Tanner is often referred to as the father of the salmon fishery. The afternoon field trip to the research vessel "T.S. State of Michigan" at the Maritime academy was very interesting.

Attendance was up from past years, but the officers and staff of the Association would certainly like to see more of our membership at our Annual Conferences. Next year's conference will be October 21-23, most likely in Holland. Plan now to attend the Annual Conference in 2011.

On October first, the USCG put new, more stringent regulations in effect for consortium drug programs, which caused the MCBA Drug program to be out of compliance. The MCBA and many other drug programs across the country were notified that our programs had to be revised to meet the new requirements and that effective immediately our program would not be recognized until a revised program was accepted. Also, we were required to notify all our drug program members who were actively chartering that it was necessary for them to become part of a currently approved program until such time as our program could be re-approved. The Coast Guard required the MCBA send a letter to all of our members to notify them of these requirements.

Because this is the off-season for most MCBA members, only those who are actively charter-

ing in navigable water need to temporarily enroll in a different approved plan temporarily until we get our revised program accepted. The MCBA will reimburse those few MCBA member Captains who do need to enroll in a different plan during this time for the expenses involved in joining another plan. If you are one of those persons, please note the list of already approved plans that were listed at the bottom of that letter. If you happen to be among those who have taken a random drug test within the past six months, we will help you get a letter that will allow you to enroll without a pre-enrollment drug test. If you have not taken a test during the past six months, you will most likely have to take a pre-enrollment drug test to join the approved plan. Again, the MCBA will reimburse you for your expenses if you maintain your MCBA drug plan membership through out this period.

The MCBA is actively working with the USCG and with the creators of an approved revised drug program to revise our own program to meet the new requirements. We are on track to have our revised drug program approved within the next several weeks, so MCBA members who will be inactive until spring launch time do not have to take any action. As soon as the USCG approves our revised drug program all members will be notified, and information regarding the revised rules and procedures will be provided.

The MCBA is vigorously and actively working to handle this unexpected situation and fully expect to have it completely settled soon. So, in the meanwhile, please just renew your membership as usual, and watch for an announcement when all the issues are resolved. If you have any questions about your own particular situation, please feel free to contact me, or Executive Secretary Dubsy at MCBA Central, and we will answer your questions. 🐟

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resources.

"I owe a lot to those who went before me," Garner said. "Ray Underwood (boating industry), Mort Neff (Michigan-Out-of-Doors), Dr. Tanner and so many others. I've been fortunate to work in the wake of exceptional leaders who made my job easy. I now challenge you to help develop new leaders

and support them to make good things happen. This is not about what I can do for me, but what I can do for the generations to come."

President Haslett presented Garner with the prestigious Pristis Award, MCBA's highest honor to those outside the charter organization who have dedicated their lives to the pres-

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ervation of the natural resources of Michigan.

The MCBA Award is presented annually to a captain who has given above and beyond to the promotion of the charter industry. President Haslett presented this year's award to Capt. Emil Dean, who Garner noted as being "instrumental in getting state legislators out on the Great Lakes fishing so they would see first-hand the tremendous value of this great resource to the state and it's people." Dean served tirelessly on a number of boards promoting our fisheries and was inducted into the Freshwater Fishing Hall of Fame in 1997 as a "Legendary Guide for Outstanding Performance". Mary Bowling, Dean's sister, accepted the award on Dean's behalf.

Saturday evening concluded with the Annual Tackle Raffle run by Past President Frank English. In spite of hard economic times, English somehow manages to garner enough industry support for the raffle donations, which make the MCBA Scholarship Fund so successful.

During Sunday morning's election of officers, Capt. Terry R. Walsh was voted in as the 19th President of MCBA. Walsh first joined MCBA in the late 1970s and has served as a port captain, on the Board of Directors, numerous committees, and liaison to the Lake Huron Citizen's Fishery Advisory Council, of which he is a member. Long-time Board member Eric Anderson is the new vice-president, and Bill Winowecki is the new Northern Lake Michigan Director.

Finally, a special thanks to Secretary and Annual Conference Chairman Jim Fenner for putting together another exceptional year-end conference. Thanks, too, to Executive Secretary and Site Chairman, Ron Dubsy, and board member John Giszczak, who manned a well-provisioned hospitality suite. Out-going President Richard Haslett is to be applauded for his tireless efforts and strong leadership these past three years. ➤

The presentation on Atlantic Salmon was worth the trip alone. This is a fishery that is almost unique in itself. Actually more fun to catch than Walleye, and far better eating. Perhaps this notice will get more captains and mates to attend the meeting next year. I can only hope so! In the mean time, I can be reached toll free at 888-634-3419, or by e-mail at dreamseaker@northernmi.net, for anyone that may have concerns or questions that need to be presented to our board of directors. Good-by for now 🐟



**Northern Lake Michigan**

By Captain Bill Winowecki - MCBA Director

Fall is here, and the winds are still blowing hard. The early November storm recorded 22 ft seas on the Northern Lake Michigan Buoy.

The Traverse City MCBA meeting was another great success. The Lake Michigan Citizen Advisory Committee meeting was interesting. The Ludington Sea Grant meeting is January 8, 2011. Hope to see you there.

This coming year we are going to see some changes in our Lake Trout laws. MM-5 Arcadia to Northport will be 3 Lake Trout 20" and over. MM-4 East and West Traverse Bays will be a 20" to 25" slot with 1 Lake Trout over 25" in your 3 fish limit. MM-3 Elk Rapids North will remain the same, 20" to 25" slot with 1 fish over 34 ". The Lake Trout season will also open January 1st all the way up the West Coast. "The closing date will be September 30 in northern Lake Michigan (MM 1-5) over concerns about the Tribal Decree and to protect early spawning lake trout. The closing date for southern Lake Michigan (MM6-8) will be October 31."

Todd Kalish, DNRE Cadillac and Lake Michigan Basin Coordinator Jim Dexter are in the process of developing a backup steel head egg take location at the Platte River State Fish Hatchery. The Little Manistee River/ Weir is the only source of steelhead eggs. It is possible that disease, environmental factors, or a facility breakdown could jeopardize this source.

The DNRE has capabilities of producing 1.1 million steelhead yearlings, of which Lake Michigan receives 47%. The balance is divided up between Lakes Superior, Huron and Erie. Todd and Jim are proposing planting 20,000 yearling steelhead in the Platte River to produce a spawning brood stock. The problem is the DNRE cannot produce any more fish, so they are proposing taking fish out of other locations to make these plants. Nobody wants to give up steelhead plants in their ports but everybody has to understand this plan is to protect the whole steelhead programs. This plant will also create steelhead fishing opportunity in the Platte River and surrounding areas of Lake Michigan. This plan should take effect April 1, 2011. We fully support this plan, and hope it works as it is

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**Upper Peninsula**  
By Captain James Shutt  
MCBA Director

As most captains and mates know, the annual MCBA meeting has come and gone.

I have to say that I feel it is sad that more captains don't see the need to attend this meeting. I personally contacted several captains in the Traverse City area that work with me each year, to get them to attend. Not one of them showed up! With the meeting in your own back yard, there is no excuse for not attending.

Only three captains from the U.P. attended other than myself, and it was good to have them there. They will tell any other U.P. captains that they chose to miss out on some good information that will help them grow their businesses.



intended.

Deer Season is here, hopefully I can get out and jig up a white fish.

Happy Holidays and Good Fishing 🐟



### Central Lake Michigan

By Captain George Freeman - MCBA Director

The Annual Fall MCBA conference was held at the Holiday Inn West Bay in Traverse City October 15-17. The program was well planned and informative. Atlantic Salmon, Asian Carp, Fisheries Science, General DNRE Fisheries Division Issues, were among the topics discussed. Two items on the agenda I found most interesting were the Great Lakes Salmon Story told by Dr. Howard Tanner and Updating the way to do CPR correctly given by an instructor from the Northwest Michigan Red Cross. The food was good and Frank English did another great job with the tackle raffle. Thank you Jim Fenner, Larry Lienczewski, and Ron Dubsy for putting this event together.

All Captains in the area and others interested are encouraged to attend the Sea Grant Seminar to be held at the Ludington Ramada Inn on Saturday, January 9th, 2010. Experts will share information about the past season, including the most recent research data and other topics of interest to all charter fishermen. During the lunch hour period, the Ludington Area Charterboat Association will have a brief but fabulous tackle raffle. Contact Dan O'Keefe, District Sea Grant Educator, (616) 994-4580, for registration information, if you are not currently on his mailing list. Hope to see you there.

I am interested in reporting news of interest to the readers of the Cannonball from Captains or Clubs in the Central Lake Michigan region. (From Muskegon thru Ludington) If you would like to provide news for the Cannonball from your part of our region, please give me a call. (877-456-3474) 🐟



### South Lake Michigan

By Captain Ron Westrate - MCBA Director

As the MCBA representative, I attended the Lake Michigan Citizen Fishery Committee Meeting on Oct. 18, 2010. The following items were presented and discussed:

**1. Yearling Steelhead Allocation:** Currently, the Little Manistee River weir is the only source of steelhead eggs for Michigan's steelhead program. There is no backup plan in place in the event that the steelhead egg take quota is not met due to possible disease, environmental factors or facility breakdowns. As a result the Platte River State Fish Hatchery

is being proposed as the backup steelhead egg take facility.

Approximately 1.1 million steelhead yearlings are released into Michigan waters. There is no way to increase the hatchery output (since it is at capacity) to get the 20,000 additional yearlings for the Platte River. As a result, the 20,000 will have to come from the existing allocation. Out of the 1.1 million steelhead, the allocation is as follows: Lake Superior 7%, Lake Erie 11%, Lake Huron 35% and Lake Michigan 47%.

The following options were developed, presented, discussed and a recommendation requested from the Lake Michigan Citizen Fishery Advisory Committee.

1) Equitable reallocation from all the basins in the state. Of the 20,000 allocated steelhead, 7% or 1,400 would come from Lake Superior allocation, 11% or 2,200 from Lake Erie, 35% or 7,000 from Lake Huron and 47% or 9,500 from the Lake Michigan allocation.

2) Inequitable reallocation from all the basins in the state. Lake Michigan would be responsible for 15,000 or 75% of the reallocation with the remainder proportionally reallocated from the other basins.

3) Allocate all of the steelhead yearlings from the Lake Michigan basin allocation.

The committee discussed and voted on the 3 options with an equal split between options 1) and 2). Since all ties are broken by the chair, Denny Grinold will make a recommendation at a later date and after more study.

**2. Lake Trout Season and Size Limits:** The fisheries division is proposing changes in the lake trout regulations for recreational anglers in Lake Michigan. The following were the 4 options:

1) Jan 1- Sept 30th This would result in no change Northern (MM1-3) and Grand Traverse (MM4) and provide an additional four months of fishing in the other units.

2) Jan 1-Oct. 31st This would result in one additional month of fishing in Northern and Grand Traverse and 5 months additional in the other units.

3) April 1-Oct. 31st This would result in a two month loss of fishing in Northern and Grand Traverse and would add 2 months of fishing in the other units.

4) Open all year.

Four public meetings were held from Grand Haven to Charlevoix to get public input. In addition, comments could have been submitted through the DNR website. Many of the members did not recall the notice for meetings and had no knowledge about the DNR website submissions.

After evaluating the public comments, the fisheries division is proposing option 1) which would open Jan. 1 and close on Sept. 30, with a slot limit in MM 5, 4 and 3 with no change in possession limit. This proposal will be presented to the

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DNR for acceptance. See the Secretary's Report by Jim Fenner for the changes that will probably be made.

3, Lake Michigan Salmon 5 Bag Limit: The salmon 5 bag limit will remain in effect for 2011. Last year there was a compromise between the group that supported the 5 bag limit and the group what opposed the limit. The agreement was that each year the fisheries division would look at the results from the charter boat catch reports and decide if the 5 bag limit would continue. There are two factors that determine the bag limit, one of which is the number of anglers that achieved a three bag limit and the other is the catch rate/angler hour. If both of these factors was greater that the agreed on threshold value the limit would remain at 5. If one factor was greater than the value and one lower than the value, the limit would not change. If both factors were lower than the threshold value the limit would change to a 3 fish limit. Since both factors in 2010 were above the threshold, the 2011 salmon bag limit will continue to be 5 fish.

4. The DNRE's proposed Asian Carp Plan is currently on the DNRE website and can be reviewed at any time. 🐟



**Lakes St. Clair & Erie**  
by John Giszczak - MCBA Director

### Lake Erie's Research Laboratory

Stone Laboratory was established in 1895 and is the oldest freshwater biological field station in the United States; it's also the center of Ohio State University's teaching and research lab on Lake Erie. The lab is a base for more than 65 researchers from 12 agencies, working on the problems facing the Great Lakes.

Stone Lab offers college credit science courses each summer for undergraduate and graduate students, high school students, and teachers. Courses include field studies on the lake to study courses like biology, geology, and natural resources.

Gibraltar Island was originally a territory of the state of Connecticut, and was purchased by New York banker Pierpont Edwards in 1807. The island became key in the War of 1812 when Commodore Perry used the island as a lookout point to spot the approaching British fleet before the battle of Lake Erie.

The island was purchased by Jay Cooke, who built Cooke Castle as a summer home. In 1925, Cooke's daughter sold the island to Julius Stone who was on the board of trustees for Ohio State University. Stone gave it to the University as a home for a lake laboratory. The board changed the name to Stone Laboratory. The laboratory building, dining hall, and Gibraltar House were completed in 1928. The first classes were offered in 1929. In 1971 The Center for Lake Erie re-

search was established. In 1978 The Ohio Sea Grant Program was created, and in 1988 the first zebra mussel was found in Lake Erie during a Stone Lab field trip. The first zebra mussel research project was funded within the year.

If your guests are here on vacation and looking for something to do after a fishing trip on Lake Erie, island tours are available. Science and history tours of Gibraltar Island are held each Wednesday, June 23 to August 18 from 11:00 a.m. to 1:00 p.m. A \$10 tour fee supports Stone Lab student scholarships. To get to Gibraltar Island, guests meet at the Boardwalk Restaurant harbor taxi landing on South Bass Island by 10:45 a.m. and catch a water taxi to the island at a cost of \$6 round-trip. 🐟




**Southern Lake Huron**  
By Captain Ken Deaton - MCBA Director

### Time to get those chores done!

It might seem like there is plenty of time to get all of those jobs done you might be thinking of doing on the boat, but time seems to fly by before we know it. Why wait till spring and then rush the jobs and only do them half right! Go get those lure boxes out of your boat now and don't forget to get those reels off the rods while you are at it! You can set down in front of that big screen T.V. and take that old line off and put on some nice fresh line while you are relaxing. Don't forget to oil those baby's up too, while you have that line off. Get those lure boxes straightened up as well. I like to keep them or should I say start out the season with them in tidy order by color, brand, and sizes. Makes it a lot faster finding what you want when you hear that one certain lure is working. Hopefully you have already got that boat waxed and put away so getting your equipment in order should be your final step.

Don't forget to get that downrigger or graph shipped off to be repaired, if you were having problems with it this season as well! Never put off till tomorrow what you can do today!

Hope this finds you already working at getting that boat in order and enjoying you days of the winter cold some place nice and warm at least for a few weeks if not the entire winter. See you on the lake with all in order next year! 🐟



The next issue of the Cannonball Gazette will be published in late May. Submissions **must** be in by **Feb 15, 2011**. Send photos and news items to: Larry Lienczewski 3396 Anna Dr. Bay City, MI 48706 - 989-684-7943 [larry@ad-graphic.com](mailto:larry@ad-graphic.com)

# The Michigan Charter Boat Association's Drug and Alcohol Program



by Captain Dean Hobbs

&

Captain Terry Walsh



In 1988 the United States Coast Guard (USCG) promulgated regulations that require professional mariners to participate in a federally mandated Drug and Alcohol Program. The scope of the regulation includes charter boat operators.

Since 1992, MCBA has provided a low cost random drug testing program for its membership. Over the years there have been many changes to the mandated program including recent alcohol testing requirements. To date, MCBA has been able to successfully comply with these mandated program changes, however, recently the MCBA was notified by the USCG that their Drug and Alcohol Program was "non-compliant". At issue is the response time between the random selection by LexisNexis and the actual collection. A new emphasis has been placed on "immediate"- the time requirement from random notification to collection.

This aspect (Random Collection) of the regulation is proving to be difficult to address by all Drug and Alcohol Programs that are not 'confined' to a factory like setting. Immediate means that the collection will take place within 2-4 hours of the selectee being notified.


The impact to you, as an operator, is that the MCBA must without question be assured that their drug and alcohol program is (1) in compliance with USCG regulations for drug and alcohol and (2) that you as operators clearly understand and comply with the requirements governing the safe operation of your boat. In the application and definitions of the USCG regulation, charter boat operators responsibilities fall under two categories, that is, Professional Mariner and Employer. For this reason, all MCBA members shall be vested in the program and understand the significant role they play in assuring compliance with this regulation.

If the Operator/Employer does not have a compliant drug and alcohol program, individual licenses are at risk of being revoked. Without a license the boat cannot be operated.


The MCBA Board and its' Directors are working diligently to resolve questions that have arisen. The Board's intent is to resolve current issues with the USCG that focus on the administration of the random test process that we have used in the past. The regulation is specific regarding the time frame in which operators/employers must collect and/or report. With that being the focus of scrutiny, it is essential that the membership understand the resolve with which the USCG expects to enforce this regulation.

Members role in this process is one of education and compliance to assure that the imposed time frames are met. There will be significant consequences to the membership if compliance with the regulation is not administered according to the plan. It is the Board's intent to make the process as user friendly as possible and still maintain compliance with the provisions of the regulation. However, without the support and understanding of the membership/operators this cannot be achieved. It is critical that boat operators pay close attention to the time frames outlined in the MCBA Drug and Alcohol Program.

We can all agree that the Great Lakes are one of our precious resources. The MCBA is committed to assuring that its membership is engaged in complying with the USCG regulations that govern our operation on the waterways. You may be asking yourself why in 2010 we are no longer compliant. In practice the Legislature relies upon the USCG to regulate maritime professionals and the administration of existing regulations to assure the safe operation of vessels on the Great Lakes. Whether we classify ourselves as mariners, either by occupation or recreation, it is the responsibility of those who hold maritime documents to uphold the aspects of the regulation that govern safe operation of the vessel. For this reason, the Board wanted to raise your awareness and understanding of the serious role operators play in meeting the intent of this regulation. The MCBA wants to assure that all boats are being operated safety and without implication of drug and alcohol use.

In the next few months watch for additional information on the MCBA Drug and Alcohol Plan and your role in the process of administering drug and alcohol testing. 

# MCBA memo:

Lake Michigan Car ferry and Pere Marquette Shipping are NOT a consortium available to (MCBA members) mariners not employed by LMC/PMS. Members should not contact these companies for a Drug program. 



## PROFESSIONAL ANGLER LIABILITY

Brought to you by Charter Lakes Marine Insurance

A Professional Angler is a person who demonstrates their fishing skills to generate income. Apart from monetary revenue, income can mean sponsorship from a manufacturer or advertiser.

That definition is representative of many MCBA Members who use their boat for Sport fishing Charters. On fishing trips, passengers are taught to use a rod and reel, what tackle and bait to use and what tactics to employ to catch a certain species of fish. When you and your passengers are aboard your boat you are covered under your charter boat policy if a passenger is injured from those fishing activities.

However, you would not be covered under your boat policy if you were working a booth at a boat or sport show or attending a charity or sponsor related event where you are there as a professional? Up until now the only way to cover liabilities for these activities was to purchase a separate general liability policy.

In response, Charter Lakes has added Professional Angler Liability Coverage to our Charter Policy. This coverage was added at no additional charge. Charter Lakes clients are now automatically covered for activities they perform as a Professional Angler (including exhibitor booths).

For more details, please contact Charter Lakes Marine Insurance.

## CREW LIABILITY COVERAGE

As an owner/operator of a Charter Boat you own a maritime business. If your vessel measures five net tons or more you are required to document your vessel as a vessel in "Coastwise Trade". As such when you hire an employee to work as a mate or captain on your boat you have similar responsibilities to your employees as you would if you owned a land based business.

Some states require charter boat owners to purchase work-

ers compensation for their employees. States like New Jersey fine business owners for not providing proof of workers comp insurance. We are able to assist our clients in this matter because the Charter Lakes policy includes the requisite coverage to satisfy the state.


We bring this to your attention because we saw a claim where a mate was injured in an automobile accident while getting supplies for the charter Boat he worked on. When the automobile insurer found out the driver was working at the time of the accident they denied coverage.

On the face of this you would think the automobile insurer would just pay and go away. But that was not the case because the vehicle was insured for personal use only. In this situation the vehicle was being used commercially.

The mate sued the captain/owner of the charter boat because he was employed when he was injured. The mate sued under the Cure and Maintenance remedy for Seaman under Maritime Law. The court ruled that the mate was acting for the vessel owner in the course of his employment and ruled in favor of the mate. The vessel owner was held liable for the medical expenses, pain and suffering and disability of the mate.

The moral of the story is to two fold. If you use your vehicle in your business be sure to have a commercial endorsement on your auto policy. Secondly, if you employ crew, be sure your Charter Policy has proper coverage for crew at adequate limits.

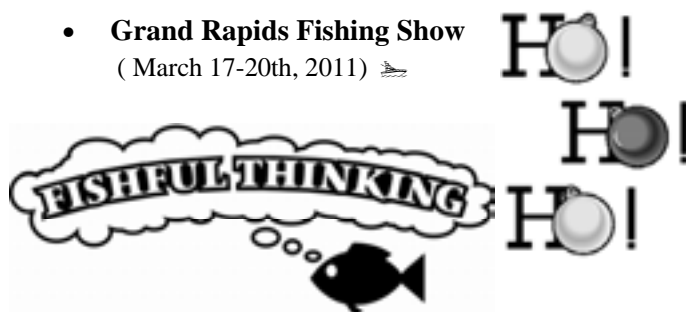
To ascertain proper coverage and adequate limits, contact the marine insurance specialists at Charter Lakes Marine Insurance.

If you have any questions concerning the aforementioned please contact Charter Lakes at 800-879-2248 or visit our web site at [www.charterlakes.com](http://www.charterlakes.com). 



Looking forward to seeing you ALL at the shows.

- **Ultimate Fishing Show Novi**  
( January 13-16th, 2011)
- **Outdoorama Fishing Show Novi**  
( February 24-27th, 2011)
- **Grand Rapids Fishing Show**  
( March 17-20th, 2011) 





## 2010 MCBA Annual Business Meeting. . . Another Success!



L to R: Jim Schneider, Bill Taylor, Rich Haslett, Mike Jones

LANSING - It's been thirteen years since the MCBA Association entered into an agreement to establish an endowed research fund at Michigan State University. In Aug.2005, Denny Grinold and Frank English presented the first \$20,000.00 check to this fund.

In Sept. 2010, I had the honor to present another

\$20,000.00 check to Mike Jones, Professor and Chairperson, Dept. of Fisheries and Wildlife at Michigan State University.

In the beginning we presented the undergraduate with a \$500.00 award and this was increased to a \$1000.00 award over a period of time. In the near future MCBA will be awarding two \$1000.00 awards to undergraduate students at MSU. These awards will continue to be given to students at the Sophomore status or above in the Dept. of Fisheries and Wildlife. Future recipients will continue to meet the minimum grade point average of 2.5 and must have an interest in Fisheries Issues, especially in the Great Lakes and Spots Fishing.

I want to thank Janice and Ken Deaton (Chairs of the Sport Shows) and all Captains who work with them running the Fishing Simulator or have donated a fishing charter for the shows. After all expenses, all proceeds from these shows go toward the scholarship fund.

MCBA members have played an important roll in establishing this scholarship fund. We should all be proud of what MCBA has accomplished over the past thirteen years giving well deserved students a chance to help our Fisheries in the Great Lakes.

Richard Haslett, Past President 



This years meeting was a huge success. Our Thanks goes out to the Traverse City Holiday Inn West Bay for another great weekend. The 2011 MCBA Annual Business meeting will be announced in the next newsletter. 🐟



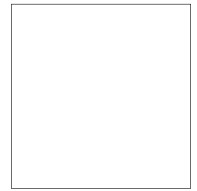
(Above L-R) Tammy Newcomb, DNR • Bob Garner, DNR Trust Fund • Ray Underwood, MBIA • Captain Jim Fenner, MCBA Secretary • Dan O'Keefe, MSU Sea Grant • Dr. Howard Tanner • Dr. Kelly Smith, DNRE Fisheries Chief • Mark Breederland, MSU Sea Grant

(Left) **MCBA Past Presidents:** Captain Frank English • Captain Dick Stafford • Captain Janice Deaton • Captain Rich Haslett • Captain Dennis Grinold • Captain Jim Karr • Captain Harold DeHart





**Michigan Charter Boat Association**  
38000 Castle Drive  
Romulus, MI 48174-1016



*THE MICHIGAN CHARTER BOAT ASSOCIATION IS A FEDERALLY RECOGNIZED NOT-FOR-PROFIT 501(C)(3) ORGANIZATION, AND RECOGNIZED FOR TAX-DEDUCTIBLE GIVING BY THE FEDERAL GOVERNMENT.*

## Boat 4-SALE

**1996 Tiara 31' Open** for sale. The name of the boat is Addiction Charters. The boat is charter ready. I'm asking \$62,500.00. cell is 515-819-9765. 🐟

**1994 Hardtop Baha 292** - \$22,000.00. private head, v bunk, 454 inboard, velvet drive gear box, 4 blade prop. enclosed backdrop, hyd steering, 350 sonar compass, ship to shore radio, am/fm radio, MI DNR Inspected, USCG Documented. Fishing equipment, rod holders, (drift, and rocket launcher) trolling gear, 8 boards, diver holders, board reels, lines, anchors, PDFs, life ring, overboard light. INCLUDES TRI-AXLE TRAILER.

734 242 5721 Capt. Joe 🐟

### **1997 Lakeview 73+3 x 16 Widebody Houseboat**

Twin 5.7 Liter Mercruisers, MMC controls, 15 kw Westerbeke Generator, 2500 Watt Inverter, Stern Thrusters, Dual VHF Marine Radios, Depth Finder, GPS, 3 ton Central Air & Heat (new 2009), Twin 50 amp shore power, Roof Bar with Party Top, Hot Tub & Rope Lighting, Water Slide, Swim Platform, 4 Bedrooms (King master, 2 Queens & 1 Twin), 2 Bath, 4 TVs (3 Flat screens), Fireplace w/heat, Full size stack washer/dryer, Leather reclining sofa & loveseat (new 2010) 6 chair dining set, Full size Range, Refrigerator, Dishwasher, Microwave & Ice Maker, 6 chair dining set and more. \$164,500 - call 865-675-7303 or 865-300-4750-cell <http://www.houseboatsbuyterry.com/images/listings/deha/deha-out.htm> - Owners cell # 256-572-1989 🐟

## Support The Companies That Support Your Association

- Bechhold & Son Flashers & Lure Co.
- Cabela's
- Dreamweaver Lures & Tackle
- Jay's Sporting Goods
- Jlyn Sportfishing Charters
- Magna Dyne Products
- Northern King Lures
- Northport Nailer & Horsefly
- Off Shore Tackle Company
- Pro-Troll Flashers
- Silver Horde Fishing Supplies, Inc.
- Spin Doctor
- Strong Fly
- Warrior Lures
- West Marine
- Ad-graphic Web Design

**Please Don't Forget to Thank these Fine Companies** 🐟

