



*New York State Archives*

**New York State Division of Marine Resources Bureau of  
Shellfisheries Leasing and Franchise Ledgers B2691**

---

New York State Archives  
222 Madison Avenue  
Albany, NY 12230  
[archref@nysed.gov](mailto:archref@nysed.gov)  
URL: <http://www.archives.nysed.gov/>

## Table of Contents

---

Overview of the Records .....	3
Arrangement .....	3
Administrative History .....	3
Scope and Contents .....	4
Related Information .....	5
Use of Records .....	5
Administrative Information .....	5
Access Terms .....	6

## Overview of the Records

---

<b>Repository:</b>	New York State Archives
<b>Summary:</b>	This series contains 20 ledgers documenting specific parcels of land that have been leased or franchised and the taxes paid on the lands underwater. Information found within the ledgers includes the date of transaction, name of parcel lessee or franchisee, and amount of taxes paid. The bureau uses the information in this series to issue shellfish bed permits which give exclusive harvesting rights to individuals for specific parcels of the state's underwater lands.
<b>Creator:</b>	New York (State). Division of Marine Resources. Bureau of Shellfisheries
<b>Title:</b>	Leasing and franchise ledgers
<b>Quantity:</b>	6 cubic feet
<b>Quantity:</b>	20 volumes
<b>Inclusive Date:</b>	1887-1991
<b>Bulk Date:</b>	1887-1941
<b>Series:</b>	B2691

[^ Return to Table of Contents](#)

---

## Arrangement

---

Chronological, then by parcel.

[^ Return to Table of Contents](#)

---

## Administrative History

---

The Division of Marine Resources is responsible for the management of living marine resources within the Marine and Coastal District of New York State. The Bureau of Shellfisheries is responsible for activities related to shellfish management and shellfish habitat inspection. Shellfish management involves issuing permits for various shellfish activities and coordinating this with those local governments that control underwater lands. The shellfish sanitation

program inspects shellfish habitats, determines where shellfish can be safely harvested, and inspects and certifies shellfish shippers and processors. Areas deemed unsafe to withdraw species for human consumption are labelled "uncertified areas," and the Department of Conservation (DEC) posts signs stating such in these areas. DEC also publishes the locations of uncertified areas in its regulations and in appropriate local newspapers, as well as distributes lists to appropriate permittees. Many of the bureau's functions relate to the waters around Long Island. The bureau geographically divides the marine areas around the island into seventy-five growing areas usually tied to bays or estuaries.

The franchise system for granting of state lands for shellfish cultivation in perpetuity (formerly done under state law in 1887) was replaced with a leasing system in 1893 which was eventually codified and amended under the Environmental Conservation Law (ECL). No new franchises can be issued as that authority was repealed. There are currently approximately 1,695 acres of shellfish lands held under franchise by one company. Although DEC has authority to lease state lands for shellfish cultivation pursuant to ECL 13-0301, no regulations have been adopted to implement a leasing program. No leases can be issued at this time but could be in the future.

[^ Return to Table of Contents](#)

---

## Scope and Content Note

---

This series contains 20 ledgers documenting specific parcels of land that have been leased or franchised and the taxes paid on the portions considered lands underwater. Information found within the ledgers includes the date of transaction, name of parcel lessee or franchisee, and amount of taxes paid. The bureau uses the information in this series to issue shellfish bed permits which give exclusive harvesting rights to individuals for specific parcels of the state's underwater lands.

The state directly controls some underwater lands, while others have been leased or franchised in perpetuity to townships (some of which re-lease the lands to individuals), though the state asserts its ownership of these lands in several ways. Maintaining private control of parcels is dependent upon the payment of taxes to this DEC bureau.

This series also includes volumes of lands leased, franchised, and assigned. A lease lapses after ten years (though it can be renewed), while a franchise continues if taxes are paid. The assignment ledgers document a transfer of property of land underwater for a franchise or lease. Also included in this series are applications for leases for shellfish cultivation, ledgers indicating the cancellation of leases or franchises, tax assessment registers of New York State shellfish lands, and sextant angles and geodetic positions of lands underwater. Franchise ledger volumes 1 and 2 contain the deeds issued for franchises. Lease ledger volumes 1-5 contain the deeds for leases issued.

The volumes indicate cancellation and surrender of a lease or franchise. The cancellation of a lease/franchise is done due to lack of payment of taxes or rental fees, or other parameters

(sanitary condition of shellfish lands, inactivity). The surrender of a lease/franchise is typically a voluntary action by the lessee or franchise holder. Numerous leases/franchises were surrendered following the closure of hundreds of thousands of acres of shellfish lands to harvesting in areas around New York Harbor due to fecal contamination of oyster beds, which rendered the lands unusable for oyster cultivation and direct marketing of oysters for food consumption. In some cases, the deeds reflect "voluntary cancellation" which is the same as surrender. The records for leases and franchises were maintained in separate ledgers and files.

When a lot is vacated, it is not automatically assigned to any person. The lease is subject to public notice (posting) and is made available to the highest bidder at public auction. Interested parties are required to submit an application as part of the bidding process.

[^ Return to Table of Contents](#)

---

## Related Information

---

### Related Material

B2321B2321, Lands Underwater Application Files, contains related records.

[^ Return to Table of Contents](#)

---

## Use of Records

---

### Access Restrictions

There are no restrictions regarding access to or use of this material.

---

## Administrative Information

---

### Acquisition Information

This series was transferred under RDA 20857.

[^ Return to Table of Contents](#)

## Access Terms

---

- Land surveys
- Monitoring
- Shellfish
- Real property, Exchange of
- Leases
- Land grants