

Vermont Department of Fish & Wildlife

**Report on the Potential Land Transfer at the
Former Southeast State Correctional Facility**

Submitted to:
Senate Institutions
House Corrections & Institutions

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In June 2024, the Vermont legislature enacted Act 162 – *An act relating to capital construction and State bonding budget adjustment*. Section 22 of Act 162 specifically directed that a report be submitted to the House Committee on Corrections and Institutions and the Senate Committee on Institutions by January 15, 2025, with the following:

- (a) The Department of Fish and Wildlife, in consultation with the Department of Buildings and General Services, shall evaluate the potential transfer of a portion of the former Southeast State Correctional Facility property to the Department of Fish and Wildlife for inclusion in the adjacent wildlife management area. The evaluation shall:
 1. delineate the portions of the former Southeast State Correctional Facility property that could be used for future redevelopment of the site, taking into account any necessary setbacks from wetlands, streams, or wildlife habitat;
 2. identify any portions of the property that could be transferred into the adjacent wildlife management area and potential impacts on the redevelopment or sale of the property from the transfer of the identified portions; and
 3. identify any rights of way or easements that will be necessary for the potential future redevelopment of any retained portion of the property.

An extension was granted to postpone the report deadline to March 10, 2025 based on leadership transitions that were occurring in both the Departments of Buildings and General Services and Fish and Wildlife.

BGS is largely in agreement with the report but would require specific provisions to address any potential rights-of-way, easements, and setbacks from the existing fence line. These provisions are necessary to ensure that there are no restrictions or obstacles that could affect the future utilization of the remaining property still owned by BGS. It is essential to ensure that any development or changes do not interfere with BGS's long-term plans for the property, allowing for its full and unrestricted use in the future.

Introduction

The Department of Fish and Wildlife (DFW), in consultation with the Department of Buildings and General Services (BGS), has evaluated the potential transfer of a portion of the former Southeast State Correctional Facility property to the Department of Fish and Wildlife for inclusion in the adjacent Windsor Grasslands Wildlife Management Area.

Wildlife Management Areas (WMAs) help conserve fish, wildlife and their habitat, while providing people with opportunities for wildlife-based recreation. DFW carefully manages WMAs to benefit wildlife as well as to provide opportunities for the public to access and enjoy these areas. WMAs are different than other state land designations in that the primary management objective for these properties is the conservation and maintenance of wildlife habitats. This purpose is reinforced and required by federal funding sources through the U.S. Fish and Wildlife Service that are used for the acquisition and management of WMAs.

The Windsor Grasslands WMA is an 826.5-acre property featuring a mix of forests, agriculture, and wildlife meadows. There is a wide variety of wildlife habitat types and conditions on the WMA and

public uses on the property are diverse. There are many unique features on the property including an abundance of open fields, wild apple trees, and a beaver-occupied wetland. The WMA is uniquely popular for hunting, walking, snowmobiling on a VAST-groomed trail, cross-country skiing, and is renowned for birdwatching with over 100 species observed on the property. The grassland and shrubland habitats support a unique assemblage of songbirds, some of which are rare and declining due to loss of habitat, among other pressures.

Management of these unique habitats requires attention to important challenges including minimizing the spread and effects from invasive plants. Managing to control invasive plants requires considerable time and resources to achieve the desired habitat conditions. In this case, DFW works with nearby farmers and a variety of natural resource management contractors to assist with invasive plant control efforts on this property.

Area of Potential Transfer

The map below shows a sketch of the land that would be transferred to DFW from BGS. The land transfer would be roughly half (i.e., approximately 60 acres) of the current BGS property (i.e., 118 acres, and would include the majority of the property that is located outside of the former prison fence). Excluded from this transfer, but outside of the fenced area, is a field containing solar panels to the north of the former prison compound, and two small disjunct parcels to the west-northwest that harbor the water supply infrastructure for the prison facility. These exclusions would remain as property of BGS.

There is a small house just inside the loop road in the southwest corner of the prison facility (highlighted on the map below). This house is currently being used by the Department of Public Safety (DPS), but if this situation changed and the building was no longer utilized by DPS, DFW would be interested in acquiring this building for use as office space, housing for seasonal staff, housing for a manager of the WMA, or for storage.

Easements and Right-of-ways

There is currently infrastructure related to water sources for the prison facility that will need to be considered with any potential land transfer layout. As identified on the map below, this infrastructure includes several drilled wells and a pumphouse located on a small BGS inholding a short distance south of the WMA's parking lot on Marton Road, a large concrete hilltop cistern located on the west side of the current prison facility property, and underground water lines (not shown on the map) which connect all of this infrastructure to the prison facility. Should the potential land transfer occur, a deeded right-of-way or easement will be needed over the transferred property to accommodate the water lines. A similar scenario already exists with an easement across the WMA for a waterline that connects the pumphouse to the cistern, so an additional easement or right-of-way would most likely not be an obstacle to the transfer.

Depending on the final layout of the potential land transfer, DFW will need some sort of deeded right-of-way or easement across the BGS retained parcel that provides DFW access to both the transferred land as well as to the existing WMA. For example, if the land transfer does not include the loop road that surrounds the security fence, then DFW will not have legal access to parts of the newly acquired land. Because BGS currently owns the property, DFW has been able to use the loop road without any issues, however, if the property is transferred to another entity or developed for

some other use, DFW may be excluded without a legal right-of-way. In 2017, BGS granted DFW a right-of-way on a portion of the loop road to access the WMA on the east side of the prison property. It is hoped that the same could be done for the remaining road loop if needed.

Setbacks and Buffers Required

Act 250 guidelines dictate that, at a minimum, a 300' buffer to the deer wintering area from all development is needed. Given the presence of functioning deer wintering area adjacent to the former prison facility as depicted on the map below, future development of this facility would likely impact this habitat and require significant offsite mitigation.

There is a 5.6-acre Class 2 wetland within the Windsor Grasslands WMA, and any future development that may occur on the land that is currently owned by BGS would be required to avoid impacting the wetland and associated 50-foot buffer, as required by the Vermont Wetland Rules.

Wildlife Impacts

This potential land transfer would help minimize impacts to wildlife from future development of the Southeast State Correctional Facility which lies within the heart of the current Windsor Grasslands WMA. There is significant concern that poorly planned or incompatible development of the former prison facility could lead to a variety of impacts on the natural resources present on the property. In the worst-case scenario, such as a high-density residential development, it is anticipated that there would be a general displacement of wildlife from those areas of the WMA in closest proximity to the development and adjacent to the most heavily used places within the property, such as along trails.

Depending on the nature of the future uses of the current BGS property, there is potential for increased disturbance of wildlife from domestic pets. This is especially concerning with respect to house cats taking grassland birds, a widely-documented occurrence and threat to the populations of many songbird species (Blancher, 2013; Loss et al., 2013; van Heezik et al., 2010). Grassland bird habitat is a focus of the WMA management objectives, and many species currently nest in the habitat that surrounds the Southeast State Correctional Facility. Similarly, unleashed dogs roaming at large though the property pose additional disturbance, and direct mortality impacts to nesting birds and other wildlife using the grasslands to raise their young.

Industrial noise associated with development of the current BGS property is an anticipated potential disturbance to the deer wintering area which is immediately adjacent to the north and east of the development as shown on the map below.

There is an increased likelihood that beaver, which have just recently returned to the property after many decades of absence, will present challenges to the future development and maintenance of the former prison facility and thereby complicate our efforts to let the species flourish at this site in accordance with WMA management objectives.

The addition of this much human presence in the center of the WMA also has the potential to significantly complicate our management efforts such as by increasing the likelihood of rogue trails and illegal uses of the property. This is especially concerning with respect to mountain bikes, the use of which is burgeoning across the greater region and is already an issue for DFW staff managing this property.

The land identified for potential transfer to the DFW serves a critical role in DFW's effort to control invasive plants on the WMA and, thus, protect and enhance a variety of critical wildlife habitats including grassland bird breeding habitat, deer wintering area, and mast (i.e., fruits and nuts) producing forest stands. The potential transfer area is currently infested with invasive plants and acts as a formidable seed source that, if left unchecked, impacts the success of the overall management area.

Depending on the density of residential development on the BGS property, it is likely to impact the ability of people to hunt on the WMA. Residential intolerance for hunting on the WMA, which is one of the primary public uses for this property, could result in conflicts with the hunting public. These are also issues that are considered during the Act 250 permit process under criterion 9(k) associated with public investments.

Should the land transfer not happen, DFW strongly advocates for a no-build buffer for the WMA on the land outside of the former prison fence. Without a formally recognized buffer, we anticipate having to defend future proposed uses of this area for years to come. As stated above, development in this area identified for potential land transfer would significantly reduce the quality and effectiveness of the current WMA for wildlife habitat and remove areas that are currently used by the public for hunting and birdwatching.

Citations

Blancher, P. (2013). Estimated Number of Birds Killed by House Cats (*Felis catus*) in Canada. *Avian Conservation and Ecology*, 8(2), np-np. <https://doi.org/10.5751/ACE-00557-080203>

Loss, S. R., Will, T., & Marra, P. P. (2013). The impact of free-ranging domestic cats on wildlife of the United States. *Nature Communications*, 4(1), 1396-. <https://doi.org/10.1038/ncomms2380>

van Heezik, Y., Smyth, A., Adams, A., & Gordon, J. (2010). Do domestic cats impose an unsustainable harvest on urban bird populations? *Biological Conservation*, 143(1), 121-130. <https://doi.org/10.1016/j.biocon.2009.09.013>

Southeast Vermont Correctional Facility Windsor, Vermont

