

**FARMLAND CONSERVATION EASEMENT  
PROPERTY CONDITION CERTIFICATION**

This is to certify that The Rayburn Family Limited Partnership, a North Carolina limited partnership, with an address of 340 Rayburn Lane, Hertford, North Carolina 27944 ("Grantor") and North Carolina Coastal Land Trust, a North Carolina non-profit corporation with an address of 3806-B Park Avenue, Wilmington, NC 28403 ("Grantee") do accept and acknowledge this report entitled Easement Documentation Report prepared by Grantee dated Dec, 2001 as an accurate description of the land uses and physical features of certain Property, which is subject to a grant of Farmland Conservation Easement from Grantor to Grantee dated March 7, 2002 ("Farmland Conservation Easement") recorded in Book 127 at Page 321, Perquimans County Registry, said Property being more particularly described in said Farmland Conservation Easement.

The Grantor and the Grantee further certify that to the best of their knowledge there have been and currently are no activities on the easement property that are inconsistent with the terms and covenants contained in the said Farmland Conservation Easement.

Dated as of the 7<sup>th</sup> of March, 2002.

**GRANTOR:**

**THE RAYBURN FAMILY LIMITED PARTNERSHIP**

BY: Walker H Rayburn (SEAL)  
WALKER H. RAYBURN, JR., General Partner

BY: Marjorie L. Rayburn (SEAL)  
MARJORIE L. RAYBURN, General Partner

**GRANTEE:**

**NORTH CAROLINA COASTAL LAND TRUST**

BY: J. Griffin Weld  
J. GRIFFIN WELD, President

**NORTH CAROLINA**  
PERQUIMANS COUNTY

I, a notary public of the County and State aforesaid, certify that Walker H. Rayburn, Jr. and Marjorie L. Rayburn, General Partners of The Rayburn Family Limited Partnership personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 7<sup>th</sup> day of MARCH, 2002.

My Commission Expires:

4/17/02

**SUSAN S. SMALL**  
**NOTARY PUBLIC**  
**CHOWAN COUNTY, N.C.**

Susan S. Small  
Notary Public

[Notary Seal]

**NORTH CAROLINA**  
**NEW HANOVER COUNTY**

I, Peggy O'Leary, a Notary Public of Wake County, and State aforesaid, certify that J. Griffin Weld, President of NORTH CAROLINA COASTAL LAND TRUST, a North Carolina non-profit corporation, personally came before me this day and acknowledged that he is President of NORTH CAROLINA COASTAL LAND TRUST, a North Carolina non-profit corporation, and that he as President, being authorized to do so, executed the foregoing on behalf of the Corporation.

Witness my hand and notarial seal this the 28<sup>th</sup> day of January, 2002.

My commission expires:

5/22/2002

Peggy O'Leary  
Notary Public



**RAYBURN FARMLAND**  
**EASEMENT DOCUMENTATION REPORT**

Walker H. Rayburn, Jr. and Marjorie L. Rayburn  
(Rayburn Family Limited Partnership)  
Owners

North Carolina Coastal Land Trust  
Wilmington, North Carolina

December 2001

## INTRODUCTION

Mr. Walker H. Rayburn, Jr. and Mrs. Marjorie L. Rayburn are selling a conservation easement on approximately 130-acres of farmland (Rayburn Farm) in Perquimans County, North Carolina to the North Carolina Coastal Land Trust. This Easement Documentation Report (Report) is an effort to establish the condition of the property at the time the conservation easements are completed. The text, photographs and maps herein document and *reference the specific property conditions and features that are protected or affected by the easement terms.* The Report serves as a summary and baseline documentation file for this conservation easement. As new material is included in the Report, it will be signed and dated to show its inclusion after the easement has been recorded.

The purpose of this Conservation Easement is to preserve and protect the conservation values of the properties. Specifically, the Easement will maintain in perpetuity the farmland and open space value of the properties and will protect water quality and important wildlife habitat.

## PROPERTY BACKGROUND INFORMATION

**Acreage of the Property:** The Rayburn Farm is approximately 250-acres. The Rayburn's also owns a 135-acre tract of adjacent forestland.

**Acreage of the Conservation Easement:** The conservation easement includes approximately 130 acres hereinafter referred to as the farmland easement.

**General Location of the Property:** The Rayburn Farm is located off S.R. 1347 (Holiday Island Road) on Rayburn Lane south of the Town of Hertford in Perquimans County (Map 1).

**General Location of the Conservation Easement:** The farmland easement is located near the entrance of the farm off Rayburn Lane and is situated along a portion of Yeopim and Barrows Creeks.

**USGS Quad:** Yeopim River (see attached Map 2).

### **Landowner Information:**

Walker H. Rayburn, Jr. and Marjorie L. Rayburn  
340 Rayburn Lane  
Hertford, North Carolina 27944  
252/426-7167

## LOCATION AND PHYSICAL SETTING

The Rayburn Farmland Easement lies in the Coastal Plain physiographic province in North Carolina. The Coastal Plain Province includes all of North Carolina east and southeast of the fall line, which lies northeastward from Richmond County at the South Carolina border to Northampton County at the Virginia border. The fall line marks the boundary between the Piedmont and Coastal Plain provinces.

The Coastal Plain of North Carolina hosts 7 major river basins: Chowan, Pasquotank, Roanoke, Tar-Pamlico, Neuse, White Oak, Cape Fear and Lumber. A majority of these rivers flow eastward into large and shallow sounds. The rivers that originate in the Piedmont or Mountain Regions, such as the Neuse River, carry large loads of sediments and are known as “brownwater” rivers; the rivers which begin in the Coastal Plain drain from swamps and carry dark organic material and thus are called “blackwater” rivers (Roe, 1992). Blackwater rivers are important and diverse aquatic habitats in the southeastern Coastal Plain. They generally flow through flat topography, mostly sandy soils and extensive and productive floodplain forests (Hackney, et al. 1992). Relative to brownwater rivers they generally have a low sediment load, lower pH, high concentrations of organic matter, and low concentrations of dissolved and suspended inorganics. Some blackwater rivers draining agricultural areas may now carry heavy sediment loads and resemble brownwater rivers in water chemistry (Schafale and Weakley 1990). The Rayburn farmland easement is situated on Yeopim Creek, a blackwater system, within the Pasquotank River Basin. The Pasquotank River Basin includes numerous small watersheds that drain into the Albemarle, Currituck, Croatan, Roanoke, and Pamlico Sounds. The Pasquotank River Basin is part of the Albemarle-Pamlico Estuarine System, the second largest estuarine system in the United States.

The Pasquotank River Basin encompasses 3,697 square miles of land and open waters in the states’ northeast coastal plain. It includes all or portions of Camden, Currituck, Dare, Gates, Hyde, Pasquotank, Perquimans, Tyrrell and Washington Counties. Under an Environmental Protection Agency funded study—the Albemarle-Pamlico Estuarine Study—it was determined that 42% of the Basin was open water, followed by agriculture (21%), wetlands (18%), and forest (17%) (NC Natural Heritage Program 1992). According to the U.S. Department of Agriculture, there has been a 58% increase in the amount of urban/built up land and a 67% increase in pastureland between 1982 and 1992 in the Basin. According to the Pasquotank River Basinwide Management Plan (1997), the basin contains an estimated 97,215 people, 46 persons/square mile, per 1990 Census data. In Perquimans County, there are an estimated 11,368 people per the 2000 Census, a 8.8 percent increase from the 1990 Census.

The farmland easement is located in Perquimans County. The Rayburn Farmland Easement lies within Subbasin 03-01-52 per the Pasquotank River Basinwide Management Plan. The majority of the land use within Subbasin 03-01-52 is in cropland or in forestry production. According to the Basinwide Plan, Perquimans County had the highest number of farms and the second highest acreage in farmland in the Pasquotank River Basin. Yeopim Creek is classified in the Basinwide Plan as support threatened (presently supporting its uses but *threatened in the future*). Overall, water quality in Subbasin 03-01-52 is considered fair based on benthic macroinvertebrate data. The Plan notes, “the water quality problems encountered in this subbasin are thought to be due to agricultural non-point source runoff.” While agricultural non-point source pollution is listed as a likely problem now, non-point source pollution from development is an increasing threat. Within a 1-2 mile radius of the Rayburn Farm there are several new waterfront developments. The Albemarle Plantation golf and boating community with 1,200 housing units was constructed along with the Heritage Shores Plantation with 110 housing units approved. Another 1,000-acre subdivision is being

evaluated by the County for future development. A 228-acre parcel directly across the creek from the Rayburn Farm recently sold to a developer.

## **LAND USE AND HUMAN STRUCTURES AND IMPROVEMENTS**

The 250-acre Rayburn Farm consists of approximately 40-acres of pasture, 100 acres of agricultural crops (row crops) and 110 acres of woodland (Map 3). The cultivated land is farmed for primarily soybeans and cotton, and 100 acres is leased to a tenant, (Chad Mathews). The Rayburns also raise sheep and have approximately 80 ewes and 3 rams. There are several structures and human improvements on the tract including their home, a sheep/hay barn, 2 grain storage bins, an equipment shed and a feed lot, fenced pastures, telephone and utility lines, and a dirt road network. The woodlands on the farm are also actively managed for timber and wildlife production. The Rayburns have worked with local forestry, wildlife and soil conservation experts to develop a Forest Stewardship Plan for their property.

The Rayburn farmland easement consists of 90 acres of cleared land and 40 acres of woodland. There are three fenced pastures, a livestock watering pond (not presently used), a farm lane, and electrical lines within the conservation easement. The easement is bordered by Yeopim Creek and Barrow Creek.

## **CULTURAL HISTORY**

The Rayburn's take great pride in their farming heritage and wish to preserve their farmland in perpetuity through this conservation easement. The property has been in the Rayburn Family for 319 years and was part of an original King's grant. Walker and Marjorie Rayburn have owned the land for 21 years. The land has been farmed by the family for a majority of the family's ownership.

## **OPEN SPACE AND FARMLAND VALUE**

The Rayburn Farmland Easement will forever protect the farmland and open space character of a portion of their farm. Across the state, farmland is diminishing. According to the American Farmland Trust, a national non-profit organization dedicated to farmland preservation, "North Carolina ranks second in the nation in terms of prime farmland converted to urban uses. . .between 1982 and 1992, 31 percent was lost." Due to this alarming trend, the North Carolina Farmland Preservation Trust Fund was established in 1986, administered by the Department of Agriculture, specifically to preserve farmland in the state. The Fund, now in its second year of funding, provides grants to local governments and non-profit conservation organizations specifically to purchase development rights and agricultural conservation easements on prime farmland. Former Governor James Hunt announced his "One Million Green Acres" Initiative that will also target farmland preservation and the protection of open space in urban areas.

The Rayburn farmland easement lies adjacent to Yeopim Creek, a short distance from the Albemarle Sound. There are several new and proposed developments (within the last 10 years) in close proximity to the Rayburn Farm including the Albemarle Plantation and Heritage Shores subdivisions mentioned above. Perquimans County, located only 1-2 hours from the burgeoning population of Virginia Beach, Virginia is an increasingly attractive place to live with its presently rural setting, quaint historic towns, proximity to the Outer Banks, and scenic waterways. Thus, large parcels with creek or river frontage like the Rayburn Farm are extremely valuable for the development of large residential/golfing and boating communities. The Rayburns have already been approached by a local developer about selling their farm.

## SCENIC AND WATER QUALITY VALUES

The Rayburn Farm has considerable scenic and water quality enhancement values. The property lies along Yeopim Creek, a tributary of the Yeopim River. The Farm hosts approximately 1 mile of frontage along Yeopim Creek and over 1.3 miles along Barrow Creek and an unnamed tributary. Yeopim Creek, like many other beautiful blackwater streams in the Basin, is under siege from development-related runoff. According to the Pasquotank River Basinwide Plan, "the Pasquotank River Basin has seen a significant increase in population over the past twenty years, most of it concentrated immediately along the coast and sounds. As coastal areas grow, more development takes place causing the generation of more stormwater runoff, the addition of new septic tanks, the need for more wastewater treatment capacity, a need for new and expanded water supply sources and the location of new marinas."

One of the many reasons for the North Carolina Coastal Land Trust's interest in purchasing an easement on the Rayburn Farm is that it will protect a forested buffer along a section of Yeopim and Barrow Creek. Forested riparian buffers are known to have the following values: moderating water temperatures and light levels; filtering sediments, toxins and excess nutrients, storing and/or slowing down flood waters; stabilizing river banks and reducing erosion, and providing habitat for numerous fish and wildlife species (Peterson and Kimball 1995, Stanley et al., 1991). The Rayburn Farmland easement will include approximately 1 mile of forested buffer along Yeopim and Barrow Creek. Protection of forested riparian buffers through this conservation easement will help enhance water quality in these creeks and achieve the goals of reducing non-point sources of pollution.

## SOILS AND OTHER NATURAL FEATURES

### Soils

The predominant soil types within the Rayburn conservation easement are Augusta fine sandy loam (At), Chowan silt loam (CO) and State fine sandy loam (StA) (U.S. Department of Agriculture 1986). These soil types are briefly described below (Map 4).

*Augusta fine sandy loam* – This nearly level, somewhat poorly drained soil is on low, smooth ridges near streams. Most of the acreage is under cultivation. The remainder is in woodland.

Major crops grown on this soil type are corn, cotton, small grains, and soybeans. The dominant native trees are loblolly pine, sweetgum, red maple, yellow-poplar, white oak, southern red oak, and American beech.

*Chowan silt loam* - This nearly level, poorly drained soil is on flood plains along small streams. Most of the acreage is in woodland as the soil is frequently flooded for very long periods. The dominant native trees are green ash, bald cypress, sweetgum, Atlantic white cedar, water tupelo and red maple.

*State fine sandy loam* – This nearly level, well drained soil is on low ridges near small streams that flow into the Albemarle Sound. Most of the acreage is under cultivation and the rest is used mainly as woodland. Major crops grown on this soil are corn, soybeans and small grain. The dominant native trees are loblolly pine, red maple, hickory, yellow-poplar, American beech, southern red oak and white oak.

### Natural Vegetative Communities

A majority of the farmland easement is in cropland or forest management. However, there are relatively natural habitats along Yeopim and Barrow Creeks that most closely fit the following classification per Schafale and Weakley 1990:

**Mesic Mixed Hardwood Forest (Coastal Plain Subtype):** This community type occurs in mesic upland areas along creeks protected from fire. Dominant native tree species include various mixtures of American beech (*Fagus grandifolia*), tulip poplar (*Liriodendron tulipifera*), southern sugar maple (*Acer floridanum*), white oak (*Quercus alba*), and sweetgum (*Liquidambar styraciflua*). Understory species include dogwood (*Cornus florida*), sourwood (*Oxydendrum arboreum*), red maple (*Acer rubrum*) and muscledwood (*Carpinus caroliniana*). Disturbed areas have increased amounts of pine and weedy hardwoods such as tulip poplar and sweetgum.

**Coastal Plain Small Stream Swamp:** This community type occurs in the floodplains of small blackwater streams in which separate fluvial features and associated vegetation are too small or poorly developed to distinguish. The canopy is generally dominated by bald cypress (*Taxodium distichum*), black gum (*Nyssa biflora*), tuliptree (*Liriodendron tulipifera*), loblolly pine (*Pinus taeda*), red maple (*Acer rubrum*), and laurel oak (*Quercus laurifolia*), overcup oak (*Q. lyrata*) and pond pine (*Pinus serotina*). Other common midstory species include ironwood (*Carpinus caroliniana*), American holly (*Ilex opaca*), sweet bay (*Magnolia virginiana*) and titi (*Cyrilla racemiflora*).

The 38-40 acre wooded area along Yeopim and Barrow Creeks was cut 15-20 years ago and now consists of primarily of yellow poplar, a variety of oaks, American beech, sweetgum, and bald cypress.



## Natural Heritage Sites

There are three recognized State Natural Heritage Natural Areas near the Rayburn Farm in Perquimans County; (1) Yeopim Creek Oak Slopes, located across Yeopim Creek from the Rayburn Farm; (2) Menzies Pond, located along the Albemarle Sound north of the Rayburn Farm; and (3) Drummond Point Woods, located along the Yeopim River and Albemarle Sound. (Natural Heritage Program, 1992). These natural areas are privately-owned and are not presently afforded any protection status. Yeopim Creek Oak Slopes and Drummond Point Woods are believed to be destroyed due to subdivision development (W. and M. Rayburn, pers. comm.).

## Wildlife

The Rayburn Farm has tremendous wildlife value. There is a diversity of habitats on the property that attracts numerous game and non-game wildlife species. The Rayburns specifically incorporate wildlife management practices (preserving brushy hedgerows, planting food plots, leaving snags, maintaining some old growth trees) into their farm and forestry management.

The following wildlife species and/or their sign have been observed or are likely to occur on the Rayburn Farmland Easement. The following is by no means an inventory, just a sampling of the likely fauna on the property. Mammals include whitetail deer (*Odocoileus virginianus*), raccoon (*Procyon lotor*), Eastern gray squirrel (*Sciurus carolinensis*), Eastern cottontail rabbit (*Sylvilagus floridanus*), star-nosed mole (*Condylura cristata*), muskrat (*Ondatra zibethicus*) and opossum (*Didelphus marsupialis*) (J. Allen, W. and M. Rayburn, pers. com). Birds include wood duck (*Aix sponsa*), Eastern bluebird (*Sialia sialis*), Eastern kingbird (*Tyrannus tyrannus*), wild turkey (*Meleagris gallopavo*), red-tailed hawk (*Buteo jamaicensis*), Eastern screech owl (*Otus asio*), and great horned owl (*Bubo virginianus*), prothonotary warbler (*Prothonotaria citrea*), summer tanager (*Piranga rubra*), pine warbler (*Dendroica pinus*), yellow-rumped warbler (*Dendroica coronata*), black and white warbler (*Mniotilta varia*), northern parula warbler (*Parula americana*), Baltimore oriole (*Icterus galbula*), yellow-throated warbler (*Dendroica dominica*), Acadian flycatcher (*Empidonax vireescens*), American robin (*Turdus migratorius*), fish crow (*Corvus ossifragus*), Carolina wren (*Thryothorus ludovicianus*), tufted titmouse (*Parus bicolor*), Carolina chickadee (*Parus carolinensis*), pileated woodpecker (*Dryocopus pileatus*), common flicker (*Colaptes auratus*), northern cardinal (*Cardinalis cardinalis*), gray catbird (*Dumetella carolinensis*), downy woodpecker (*Picoides pubescens*), red-eyed vireo (*Vireo olivaceus*), yellow-throated vireo (*Vireo flavifrons*), barred owl (*Strix varia*), red-shouldered hawk (*Buteo lineatus*), osprey (*Pandion haliaetus*), yellow-billed cuckoo (*Coccyzus americanus*), great blue heron (*Ardea herodias*) and great egret (*Casmerodius albus*), and turkey vulture (*Cathartes aura*). Reptile and amphibian species may include Eastern box turtle (*Terrapene carolina*), five-lined skink (*Eumeces fasciatus*), Carolina anole (*Anolis carolinensis*), six-lined racerunner (*Cnemidophorus sexlineatus*), black racer (*Coluber constrictor*), ringneck snake (*Diadophis punctatus*), rat snake (*Elaphe obsoleta*), American toad (*Bufo americanus*), Fowler's toad (*Bufo woodhousei*) southern leopard frog (*Rana sphenoccephala*), snapping turtle (*Chelydra*

*serpentina*), Eastern mud turtle (*Kinosternon subrubrum*), river cooter (*Chrysemys concinna*), yellowbelly slider (*Chrysemys scripta*), brown water snake (*Nerodia taxispilota*), copperhead (*Agkistrodon contortrix*), and cottonmouth (*Agkistrodon piscivorus*) (J. Allen, W. and M. Rayburn, pers. com.).

Yeopim Creek likely provides important habitat for several anadromous fish species including blueback herring (*Alosa aestivalis*), alewife (*Alosa pseudoharengus*), hickory shad (*Alosa mediocris*), and American shad (*Alosa sapidissima*). According to the Pasquotank River Basinwide Management Plan, the Albemarle Sound is considered the most important nursery and spawning area for anadromous and freshwater fish in North Carolina (NCDENR 1997). Southeastern blackwater streams and rivers, like Yeopim Creek, have an abundant and diverse fish community (Hackney et al., 1992). A few commonly found fish species in Eastern North Carolina blackwater systems include bowfin (*Amia calva*), chain pickerel (*Esox lucius*), creek chubsucker (*Erimyzon oblongus*), brown bullhead (*Ictalurus nebulosus*), pirate perch (*Aphredoderus sayanus*), flier (*Centrarchus macropterus*) and warmouth bass (*Lepomis gulosus*). Blackwater rivers are excellent gamefish waters; the most commonly caught fishes include redbreast sunfish (*Lepomis auritus*), bluegill (*Lepomis macrochirs*), pumpkinseed (*Lepomis gibbosus*) and largemouth bass (*Micropterus salmoides*). Spot (*Leiostomus xanthurus*), Atlantic croaker (*Micropogias undulatus*), flounder (*Paralichthys lethostigma*) and blue crabs (*Callinectes sapidus*) are also found in Yeopim Creek (W. and M. Rayburn, pers. comm.).

## **RARE, THREATENED AND ENDANGERED SPECIES**

There is only one federal species of concern known to occur in Perquimans County (U.S. Fish and Wildlife Service, 2001), the Rafinesque's big-eared bat (*Corynorhinus rafinesquii*). There may be suitable habitat for this species along Yeopim Creek. No thorough inventories for Federally listed or special concern species have been conducted on the Rayburn Farm.

## REFERENCES

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Photo 1. Main Road through Rayburn Farmland Easement.



Photo 2. Southwest View of Pastureland in Farmland Easement.



Photo 3. The Rayburns at Gate to Pastureland on Farmland Easement.



Photo 4. Northwest View of Pastureland and Woodland Bordering Barrow Creek.



Photo 5. View of Yeopim Creek Adjacent to Rayburn Farmland Easement.



Photo 6. View of Gate to Woodlands Bordering Farmland Easement on the South.



Photo 7. Walker Rayburn, Jr. and Marjorie Rayburn with Lamb in Barn Outside of Farmland Easement.



Photo 8. Lambs and Ewes at the Rayburn Farm.



Photo 9. Northeast View of Soybean Field within Farmland Easement.





Photo 10. View of Woodlands Bordering Yeopim Creek within Farmland Easement.

**MAP 1. GENERAL LOCATION OF THE RAYBURN FARM.**



2 mi



**Map 2. Location of Rayburn Property on 7.5 Minute Yeopim River Quad.**

**Map 3. Location of Natural Features and Human Improvements on the Rayburn Farm in Perquimans County.**



# Map 4. Rayburn Farm on Perquimans Soil Survey

