Real Estate, Telecommuting, and the Pandemic

By Mary Miller

Researchers are starting to recognize that changing workplace models and migration patterns, which have increased as a result of the COVID pandemic, may become part of the new normal in the economy, as noted in trade journals. As more workers telecommute and people move out of urban areas, lifestyle changes that result in less-expensive, less-crowded housing in slower-paced communities are starting to be noted as a demographic trend.

Hamilton Lombard, a demographics research specialist at the University of Virginia’s Weldon Cooper Center for Public Service, has been following these changes. He notes that with the explosion of telework transforming our relationships to commuting and to a sense of community, the pandemic could end up being a turning point in the growth trajectories of Virginia’s geographically and socio-economically diverse regions.

Some Northern Virginia cities are seeing telecommuters leaving for other areas of the state — to sit out the pandemic, to find less expensive housing, to raise families in a slower-paced environment. Lombard found that top destinations for teleworkers share a similar set of characteristics. They tend to be areas with easy access to outdoor recreation and offer a lower cost of living, while still providing good access to transportation infrastructure like railroads, airports, and interstate highways. “As the workforce continues to grow in mobility, I believe we’ll see an increase in new migration trends in this country, particularly among the millennial and Gen-Z workforce,” he says.

Communities that plan ahead will be able to protect the natural resources and human and community assets that are attracting new residents.

Will Shore Counties Be Part of This Change?

An unscientific look at trends in real estate parcel transfers on the Shore can be glimpsed by looking at year-to-year changes: snapshots of the same week over the past 3 years. The transferred parcels include homes, building lots, farms, tax sales, and some commercial property in Northampton and Accomack counties.

During the same week in October, from 2018 through 2020, the average number of parcels transferred was 26 for Accomack and 22 for Northampton. The average total value of reported parcels transferred was $3.1 million for Accomack and $4 million for Northampton. And the average sale price recorded during that particular week over the 3-year period was $146,000 in Accomack and $185,000 in Northampton. No noticeable change was apparent.

But toward the end of 2020 and the beginning of 2021, a major shift occurred — both in numbers of parcels reported transferred and total value of transfers. During a single week in February 2021, 61 parcels in Accomack and 72 parcels in Northampton were reported transferred — with a total value of $11.3 million in Accomack and $15.5 million in Northampton. Eight percent of the Accomack transfers were $300,000 or more; 30% of the Northampton transfers were over $300,000.

To repeat, this is an unscientific study undertaken to indicate possible trends that might impact both counties. More research is required to determine if in-migration is increasing, if building costs have increased dramatically, or if there are several forces in play to explain the change. And more importantly, both counties need to determine if there are actually significant trends at work here, and what each county government needs to do to plan for change.

What’s Next?

Like most rural counties, both Shore counties’ budgets depend heavily on real estate tax revenue.

See Real Estate, cont’d on p. 3
Sports Program Planner Joins Bike Tour

By Donna Bozza

With the relaunch of CBES Between the Waters Bike Tour on Saturday, October 23, comes the excitement of welcoming Mary Ehmann as the new Bike Tour Coordinator. She brings her prowess at sports event planning, as well as her passion for connecting people to the outdoors, to our 28-year-old Coastal Virginia cycling tradition.

An experienced teacher, including in elementary and special education, Mary also spent 15 years coaching youth and high school athletics. She is the mother of 3 adult children.

Since moving to Cape Charles with her husband, Steve, Mary has hit the ground running. Literally, as she is a marathon runner, but also in seeking opportunities to be an active part of the community. She participates in a variety of volunteer activities, including delivering food to at-risk citizens as part of the Shore Delivery Corps.

CBES found Mary’s skill sets mesh effectively with those needed to operate a successful Bike Tour. Especially pertinent was her decade-long experience heading up a popular youth running program in Mendham, N.J., which included hundreds of participants. The program’s events included organizing changing locations and logistics; working with local entities and businesses; coordinating volunteers, fundraising, and sponsorships; and ensuring the satisfaction of participants and their families.

“I plan to bring that same energy, excitement, and sparkle to tour riders and the Eastern Shore by providing a safe, scenic, and ‘merry’ Bike Tour,” said Mary.

Also exciting, Mary has experienced fundraising Bike Tours from the other side of the handlebars. She had planned to ride the 2020 Between the Waters Bike Tour before the pandemic hit. Because of the Tour’s forced hiatus, she feels it’s essential to “revitalize the Bike Tour and enthusiasm for the Eastern Shore.”

It is an enthusiasm she and her husband share, along with their two dogs Aggie and Unis, as they explore the Shore, whether biking, hiking, kayaking or, in the case of their canines, swimming in the Bay.

Mary added, “We feel grateful to be able to call the Eastern Shore our ‘forever’ home.”

CBES believes our cyclists will be grateful they do, too.

Have Fun – Volunteer!

Please welcome Mary and consider volunteering for this year’s event, which starts and finishes at Sunset Beach Resort/Cape Charles KOA. Help during the sign-in process, hand out T-shirts, man rest stops in scenic locales, or serve lunch, all while sharing laughs with our friendly cyclists. Give Mary a holler at cbesbiketours@gmail.com to find out more.

Save the Date: Clean the Bay Day

This year, Chesapeake Bay Foundation’s event will last 6 days, from Monday, May 31, to Saturday, June 5, giving participants the flexibility to do a litter clean-up any time during the week, at any public location or private property where permission has been granted. Registration will open April 30 at https://www.cbf.org/events/clean-the-bay-day/.

Annual Giving Update

Due to month-long delays in mail delivery and one CBES staff error, the following generous donors were inadvertently left off the 2020 Donor Acknowledgement List. CBES is grateful for these and all our financial supporters and volunteers.

Blue Heron ($1,001-$2,000)
Mr. & Mrs. Lucius Kellam III

Piping Plover ($101-$200)
Betty Badger
Norman Thibodeaux

Curlew ($26-$50)
Curtis & Lynn Badger
A Looming Disaster:
New Data Reveal Where Flood Damage Is an Existential Threat
Submitted by Mary Miller

A recent NPR broadcast\(^1\) examined how sea level rise and heavier rainstorms driven by global warming are sending more water into residential neighborhoods – from the Gulf Coast to New England. And new data make it clear that many communities cannot afford the mounting costs. More than 4 million houses and small apartment buildings across the contiguous U.S. have substantial risk of expensive flood damage; infrastructure repairs from flood damage can exceed a local government’s ability to fund.

The First Street Foundation\(^2\) has developed county-level interactive maps showing residential property flood risk damage areas now, and the projected costs of damage to those properties by 2050. In Northampton County, 3% of residential properties are currently at risk of flood damage; in Accomack County, 25% of those properties are at risk. Western shore counties on the Bay have between 1% and 6% of residential properties at risk. The increased cost of flood damage to at-risk residential properties by 2050 is projected to be up 18.7% in Northampton County, with a soaring increase of 89.1% projected in Accomack County.

New data show that flood insurance rates would need to more than quadruple to keep up with the costs of climate-driven flooding. The Federal Emergency Management Agency (FEMA) is already preparing to raise insurance premiums in many places later this year. For homeowners who are currently underpaying for flood insurance, FEMA says it plans to raise rates by up to 18% each year until the price is accurate, according to a January report by the Congressional Research Service.\(^1\)

As the cost of insurance goes up, many people who need flood insurance will likely be unable to afford it, leaving them to face lasting damage. When FEMA begins to raise flood insurance rates later this year, it plans to begin factoring home value into its calculations so that people who own more expensive homes pay monthly premiums that reflect their actual risk of flood damage. FEMA’s changes could also help reverse a decades-long trend of overdevelopment in floodplains. Artificially cheap federal flood insurance has incentivized developers and residents to build in places that are more and more likely to be underwater.

According to Matt Eby of the First Street Foundation, FEMA doesn’t have the power to fix the affordability problem it is creating.\(^1\)

Increasing and maintaining property values are critical. Rural counties that might benefit from changing demographics could already be looking at these new homes, new residents, and upgraded property values as potential community assets – to stave off population decline and increase tax revenue. Communities that plan ahead will be able to protect the natural resources and human and community assets that are attracting new residents – while using new revenue for infrastructure to benefit both new and current residents.

“Telecommunications upgrades are the most obvious way to improve,” Lombard says. And for communities interested in attracting new residents, and for telecommuters looking to find places to move in Virginia, Lombard believes the final hurdle is a lack of marketing by local governments.


\(^2\) First Street Foundation is a non-profit research and technology group defining America’s flood risk.
Last year, the Virginia General Assembly passed SB776, which took effect July 1, 2020. The bill directs the Virginia Marine Resources Commission (VMRC) to approve only living shoreline approaches to shoreline stabilization unless those approaches are not suitable. The new law:

- Directs VMRC to stop granting permits for hardened shorelines “unless the best available science shows that [a living shoreline] is not suitable.” If the best available science shows that a living shoreline is not suitable, VMRC “shall require the applicant to incorporate, to the maximum extent practicable, elements of living shoreline approaches.”
- Directs VMRC to develop “minimum standards” to protect and conserve shorelines and wetlands.
- The General Assembly also added new language to the wetlands permitting law that makes it more difficult for Wetlands Boards to issue permits for hardened shorelines.

What Is a Living Shoreline?

A living shoreline is defined by NOAA as “a protected and stabilized shoreline that is made of natural materials such as plants, sand, or rock.” Virginia law defines a living shoreline as “a shoreline management practice that provides erosion control and water quality benefits; protects, restores, or enhances natural shoreline habitat; and maintains coastal processes through the strategic placement of plants, stone, sand fill, and other structural and organic materials. When practicable, a living shoreline may enhance coastal resilience and attenuation of wave energy and storm surge.”

Living shorelines offer many benefits, including protection from storms and erosion; increased ability to absorb wave energy; improved water quality; increased biodiversity; promotion of recreation; creation of natural wildlife habitats; and remediation of nutrient pollution.

A living shoreline requires a gradual slope between the upland and the water. Topography of this type is absent at the majority of waterfront properties. This gentle, transitional 3:1 or 4:1 slope from the upland to the water’s edge is, however, capable of being created so long as the property owner agrees to grade back the upland (perhaps with the loss of a substantial amount of upland), VMRC agrees to convey some of the bottomland beneath the water, or a combination of the two. Protecting the living shoreline and newly planted vegetation from erosion will probably require installation of a sill, groin, breakwater, or a combination.

As with hardened shorelines, there are life cycle costs to consider when building a living shoreline, including replacement if it fails. Sea level rise, for example, can reduce the lifespan of a living shoreline. Maintenance needs include repairing damage wrought by severe storm events. And there is a cost differential between a hardened and a living shoreline. For these reasons and others, hardened shorelines have been the system of choice, notwithstanding the numerous benefits associated with living shorelines. SB776 is intended to reverse this trend.

How Will VMRC Implement the New Law?

Before installing a shoreline stabilization project, most applicants must obtain a permit from the local Wetlands Board, in addition to VMRC (and any other applicable regulatory agencies). In a memorandum on May 12, 2020, VMRC alerted local Wetlands Boards that they must update their wetlands zoning ordinances to conform to the requirements of SB776, so that they, like VMRC, may not grant a permit allowing installation of a hardened shoreline “unless the best available science shows that [a living shoreline is] not suitable.”

SB776 also requires VMRC to develop “minimum standards” to protect and conserve shorelines and wetlands, including ensuring that sea level rise is considered in writing these standards. To address these issues, VMRC held 3 workshops in August and September 2020, with a broad range of input from the regulatory and the regulated community. Using this input, as well as the agency’s own considerable expertise, VMRC has drafted a revision to the Wetlands Guidelines (https://mrc.virginia.gov/Notices/2021/Final-Draft-Wetlands-Guidelines-Update_03-01-2021.pdf). Public comments can be made through April 16, addressed to wetlandsguidelines@mrc.virginia.gov, with the subject heading “Wetlands Guidelines Update.”
New Law, cont’d from p. 4

Guidelines Comments.” The final draft will be presented at the Commission’s next meeting, tentatively scheduled for May 25.

VMRC’s decades-long practice of routinely granting permits for hardened shorelines creates momentum that could be difficult to overcome as the agency grapples with the new law. Although the “best available science” supports living shorelines for most, if not all, waterfront properties in Virginia, VMRC is going to be confronted by waterfront property owners demanding that they issue a permit for a hardened shoreline because living shorelines are perceived as unaffordable.

It would appear that the burden of proof belongs with the waterfront property owner who seeks to use the “best available science” standard to avoid installation of a living shoreline. VMRC uses the informal fact-finding process in the overwhelming majority of situations for shoreline work. Although there is no law regarding burden of proof in informal fact-finding, the formal fact-finding process does place the burden of proof on the applicant (VA Code § 2.2-4020).

Understanding the “Best Available Science” Standard

The Virginia General Assembly included the “best available science” standard for the first time in 2020, in 3 newly enacted laws – SB776; a law creating wildlife corridors during planning of highway construction projects; and a law establishing the social cost of carbon as part of the Virginia Clean Economy Act. In the latter 2 laws, the General Assembly listed sources of information that it wanted the agencies to consider when applying the “best available science” standard, but offered no such guidance in SB776.

During VMRC’s 3 workshops, participants identified numerous sources that should be included in the “best available science” determination. VMRC’s draft Wetland Guidelines identify these sources – VMRC’s Habitat Management Division, the Virginia Institute of Marine Science (VIMS)’s Office of Research and Advisory Services, the Department of Conservation and Recreation’s Shoreline Erosion and Advisory Service (SEAS), VIMS Shoreline Studies Program, and the Center for Coastal Resource Management (CCRM) – and state that “the totality of the aforementioned programs’ research, written advice, and online tools,” as well as “all newly emerging wetlands science … shall constitute the best available science” for either VMRC or the local Wetlands Board to determine the suitability of a living shoreline project.

How to Consider Cost in Deciding a Shoreline Application

Although it is possible that a living shoreline will cost more than a hardened shoreline, there are costs imposed on our natural resources and on the public whenever a waterfront property owner is allowed to install a hardened shoreline. These include:

- Dirtier water in our creeks, rivers, ponds, bays, and territorial sea
- Worsened flooding of waterfront properties
- Diminished commercial and recreational stocks of finfish, crabs, oysters, and other shellfish

This is another situation where there is no free lunch.

Although the language in the statute does not explicitly say whether VMRC should consider cost, it does say that a living shoreline may not be “suitable” at some waterfront properties. By including this suitability concept, the General Assembly probably opened the door for VMRC to consider cost.

There are federal precedents where an agency is given explicit directions one way or the other on cost. For the Endangered Species Act, the U.S. Supreme Court explained in 1978 that “the plain intent of Congress in enacting [the] statute was to halt and reverse the trend toward species extinction, whatever the cost.” In 2001 the U.S. Supreme Court gave us another example, in the Clean Air Act, where cost must be ignored when the agency takes a certain action to protect the air we breathe.

However, there are other resource protection statutes that require federal agencies to consider cost in making their decisions. Legislatures typically make this clear by including terms such as “feasible,” “practicable,” “economically feasible/practicable,” or “cost-benefit.” For example, the federal Safe Drinking Water Act commands the EPA to consider “incremental costs and benefits” in setting a maximum contaminant level for chemicals found in drinking water. In 2015 the U.S. Supreme Court decided Michigan v. EPA, ruling that the EPA could take cost into account in deciding whether to regulate the power plant industry, since doing so would impose an annual cost of nearly $10 billion on the industry, while delivering benefits valued at $4 million to $6 million a year. In a recent federal Clean Water Act case, a Court of Appeals built upon this decision by stating that “agencies are ordinarily required to consider the relative costs and benefits of a regulation as part of reasoned decision making.”

So what does all this mean? Homeowners who are submitting an application for a shoreline project are doing so at a time of uncertainty, at both the local Wetlands Board and VMRC. Agencies are working hard to draft new procedures and guidelines. However, homeowners should expect headwinds if their project includes a hardened shoreline.

Sources: A series of 4 articles on SB776, and a recap of Jim Lang’s February 26 webinar on Virginia’s Living Shoreline Law, can be found at https://www.waterfrontpropertylaw.com/blog/posts/living-shoreline-law-webinar-recap/
Does Virginia Need a Bottle Bill?

Plastic bottles, glass bottles, and aluminum cans are discarded as litter approximately 2½ times more frequently in Virginia, which has no “bottle bill,” than in states with bottle bills, according to a report released in November by Clean Virginia Waterways of Longwood University. Bottle bills require customers to pay a deposit when they purchase a beverage, with the option of redeeming the deposits when they return the empty bottle or can at the point of purchase or a redemption center.

“We compared litter data from states with bottle bills to states without bottle bills,” explained Katie Register, Executive Director of Clean Virginia Waterways. “In Virginia, bottles and cans accounted for nearly 22% of all litter recorded by volunteers in 2019. But in states with container deposit bills, bottles and cans accounted for less than 9%, on average, of the total debris recorded.”

The report states that plastic bottles accounted for 11.5% of all the litter recorded in 2019 by volunteers who participated in the annual International Coastal Cleanup in Virginia. In states with bottle bills, plastic bottles accounted for 2% to 8.3%. Aluminum cans were also more frequently found littered in Virginia, accounting for 6.7% of all litter. In states with bottle bills – including California, Connecticut, Hawaii, Maine, Massachusetts, Michigan, New York, and Oregon – beverage cans accounted for 2.5% of all litter, according to the report.

The International Coastal Cleanup is the largest volunteer effort for the world’s oceans and waterways. Thousands of volunteer-led events track the types of trash that are removed from coasts and inland waterways, providing a global snapshot of the litter and ocean trash problem from year to year. Data are collected on the most commonly found items, including single-use consumer food and beverage items.

Clean Virginia Waterways of Longwood University has organized the cleanup in Virginia since 1995, and has a 25-year database of the litter found in Virginia.


Keeping Track

Agreement Reached for Hacksneck Boat Ramp

As ShoreLine most recently reported in November 2019 (“County Moves Forward on Hacksneck Boat Ramp”), Accomack County reached a settlement with the landowners at the end of Killmon’s Lane in Hacksneck (county road 759), Tucker Terry and Nandua Selects LLC, to purchase the required land for parking (adjacent to the boat ramp) at its appraised value ($31,000 for 0.57 acres) and develop a plan for parking (8 spaces). However, the landowners contested the appraised value.

At their March 17 meeting, the Accomack Board of Supervisors approved a settlement agreement to purchase the land for $80,000. Closing is expected within 30 days, and the improvements, including improved access and directional signage, are planned in time for boating season this year.

The settlement agreement stipulates no blocking of the parking area or the public right-of-way, no overnight storage of vehicles or trailers, and no harassment of members of the public.

Congresswoman Elaine Luria’s Eastern Shore Office Update

Congresswoman Elaine Luria is now represented on the Shore by Constituent Services Representative Clara Vaughn, at Luria’s office in the Onley Town Center. Vaughn holds a degree in Environmental Studies and Sociology from William & Mary College and a Multi-Platform Journalism degree from the University of Maryland.

Constituent services provided for Shore residents include “… assistance finding contacts and information related to federal-level agencies such as the IRS, Social Security Administration, and Veterans Affairs.” Vaughn will also be attending local board and community meetings on the Congresswoman’s behalf, coordinating Luria’s visits to the Shore, and can connect residents and organizations to grant specialists.

Sign up for Luria’s e-newsletter at https://luria.house.gov/contact/newsletter (click CONTACT). Vaughn can be reached at the Onley office: 757-364-7631, or email Clara.Vaughn@mail.house.gov.

Northampton County Comprehensive Plan*

April 14* • Public Hearing Draft Submitted to County
May 4* • Joint Public Hearing
*Dates tentative, times TBA; please verify by calling the County Planning Office: 757-678-0443
More than a Dream – MNS Cultural Enrichment Center

The dream of turning what was once the only high school for black students in Accomack County into a community center is a project in motion. The Mary N. Smith Cultural Enrichment Center, located in Accomac, just completed a pre-planning grant.

In 2011, the former school was turned over by the Accomack County Board of Supervisors to the MNS Alumni Association, which owns and operates the facility. The nonprofit includes graduates from its high school years 1935 through 1970, when it became a middle school after desegregation. Through their dedication, previous years saw significant improvements to the building, including installation of heating and air conditioning and a commercial kitchen, all of which have opened it up for events by a variety of groups across the Shore.

The pre-planning stage solicited the community’s input through meetings and surveys to find out what citizens wanted to see as the center’s uses. The results highly favored rental space and senior activities, followed by a culinary school, fitness and health, and a business incubator.

The next step is applying for a planning grant from the Virginia Department of Housing and Community Development. If awarded, it will fund engineering, architectural, and environmental studies and design.

As organizers point out, the full realization of this dream is more a marathon than a sprint. Help make it happen; become a volunteer. For more information, email mnsgrants15@gmail.com. Keep up with developments on Facebook, Mary N. Smith Cultural Enrichment Center – MNSAA.

Blueberry Cobbler

One summer, I found myself in charge of a small tribe of little boys – brothers, cousins, and neighbors. Seemed like a good idea to follow a woodland trail to pick high-bush blueberries. Gave them each a basket, told them to pick only the blue ones, to keep chattering and to stay where they could hear me. In a few minutes, the bush I was picking started shaking. “Cut it out,” I said to what had to be one of the boys. More shaking. Parting the branches, there was Baby Bear, standing upright, shaking branches and happily eating berries. “Boys! Drop your baskets – run back down the trail – right quick – right now!” Stunned silence – then 6 pairs of sneakers pounding down the trail. They were well trained. Mindful that Mama Bear had to be nearby, I hightailed it too. No berries, but what a tale the boys had to tell. By the time we got home, we had outrun an 8-foot-tall black bear with fierce red eyes, and claws like a velociraptor.

Blueberries are good food – lots of antioxidants, full of vitamin C, and almost always (safely!) available. Here’s a traditional berry cobbler – easy and delicious. This works for any berries or combination of cut fruit and berries.

- 2-4 cups of berries – depends on your fruit-to-cake ratio choice – photo used 2 cups
- 2-3 tbsp sugar
- 1 tsp cornstarch
- 1/3 cup orange juice

Mix all the above and let stand while you mix batter:

- 1 stick butter, at room temperature
- 1/2 cup sugar
- 1 egg
- 1 tsp vanilla
- 2/3 cup flour
- 1/2 tsp baking powder

Beat sugar and butter in stand mixer for 5 minutes – add egg and vanilla and mix well. Whisk flour and baking powder, add to wet ingredients, and mix to combine. Butter 9" pie plate and add berries. Drop batter by spoonfuls to almost cover berries. Sprinkle top with sparkling sugar. Bake at 375° for 35-40 minutes, until top is browned and berries are bubbling.

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Citizens for a Better Eastern Shore
P. O. Box 882
Eastville, VA 23347-0882
Address Service Requested

INFORM, ENGAGE, EMPOWER!
Check your label – if it doesn't show '21 or Life, you need to renew (cbes.org).

Community Calendar*
*NOTE: For current status of public meetings, go to the appropriate website or contact by email or phone.

Accomack County
757-787-5700
www.co.accomack.va.us

Northampton County
757-678-0440
www.co.northampton.va.us

1st Tues
Board of Zoning Appeals
10 AM, Eastville

1st Tues
Planning Commission (PC)
6 PM, Eastville

2nd Tues
Planning Commission (PC)
6 PM, Eastville

3rd Tues
ES Ground Water Committee
10 AM, Accomac

2nd Tues
Board of Supervisors (BOS)
6 PM, Eastville

4th Tues
School Board
6 PM, Machipongo

4th Thurs
Wetlands Board
10 AM, Accomac

3rd Wed
Board of Supervisors (BOS)
5 PM, Accomac

3rd Wed
PC Work Session
7 PM, Accomac

3rd Wed
School Board
6:30 PM, Accomac

4th Thurs
Wetlands Board
10 AM, Accomac

CBES and Other Activities
1st Wed
VIMS Public Seminar
7:30 PM, Wachapreague

1st Tues
Board of Zoning Appeals
10 AM, Eastville

3rd Tues
Bon Secours Workshop
10 AM, Accomac

2nd Wed
Planning Commission (PC)
7 PM, Accomac

2nd Tues
Board of Supervisors (BOS)
6 PM, Eastville

3rd Tues
CBES Board Meeting
7 PM, Eastville or Belle Haven

4th Tues
School Board Work Session
2 PM, Eastville

4th Thurs
School Board
6 PM, Machipongo

For membership and other CBES information:
www.cbes.org

SAVE THIS LIST & You Could Save a Life
Local Red Cross Blood Drives in April
4/13, 12–5 PM at Eastern Shore Community College, 29300 Lankford Hwy., Melfa, 23410

4/19, 1:30–6:30 PM at Chincoteague Center, 6155 Community Dr., Chincoteague Island, 23336

4/21, 11 AM–3 PM at Riverside Shore Memorial Hospital, 20480 Market St., Onancock, 23417

www.redcrossblood.org
1-800-REDCROSS