



MARYLAND LEAGUE
OF CONSERVATION VOTERS

The O'Malley Administration & Environmental Protection: Maryland League of Conservation Voters' 100 Days Report

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April 27, 2007 marks the 100th day of Governor Martin O'Malley's Administration. Typically, the first 100 days is a good indication of the tone, commitment and intent of a new administration on key issues. The Maryland League of Conservation Voters has prepared this assessment of the environmental successes and failures during the first 100 Days of Governor O'Malley's Administration. As the Governor's four-year term continues, the Maryland League of Conservation Voters will publish regular report cards detailing and evaluating the environmental commitment and progress of the O'Malley Administration.

Before Governor O'Malley's term officially began, we saw encouraging signs—from the involvement of over 100 conservation leaders on environmental transition teams, to the announcement of full funding for Program Open Space. In his Inauguration speech, we were elated to hear the Governor list top conservation priorities as his own.

Governor O'Malley brought a civil tone back to Annapolis, one that was inclusive to legislators regardless of party and to environmental advocates. This was a huge help in getting great bills passed this year.

There is, however, room for improvement and we see great opportunities for further leadership—particularly in the areas of the Chesapeake Bay, global warming, and growth.

For more than 25 years, the Maryland League of Conservation Voters has been the *independent* political voice for the environment in our state. Maryland LCV is dedicated to making environmental protection and restoration a top priority for Maryland's elected officials, appointed leaders, candidates and voters. The Maryland League of Conservation Voters advocates for sound conservation policies, works to get pro-environment candidates elected, and holds elected officials accountable for their votes and actions.

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Air Quality

- + Clean Cars:** One of the Governor's first aggressive legislative efforts was to support the Clean Cars Act. This bill strengthens Maryland's auto emissions standards for new cars. He signed the bill on April 24, 2007.
- + Climate Change:** On April 20, 2007 Governor O'Malley signed the agreement that added Maryland into the Regional Greenhouse Gas Initiative and created the Maryland Commission on Climate Change. We are encouraged by these signs and hope they will be the first steps toward passing major global warming initiatives in the 2008 legislative session.
- + Clean Air Lawsuit:** Governor O'Malley joined with 16 other states in a lawsuit against the Bush Administration Environmental Protection Agency rules which allow the possibility for power plants to avoid using cleaner coal-burning methods that reduce dangerous mercury emissions. This lawsuit seeks to overturn those rules. The previous Administration blocked a request by the Attorney General to join this suit.

Water Quality

- + Stormwater:** Environmental advocates worked closely with the Maryland Department of the Environment (MDE) to craft and pass the strongest stormwater management legislation in the country. Governor O'Malley signed this bill on April 24, 2007.
- + Green Fund:** The Chesapeake & Atlantic Coastal Bays Green Fund would create a dedicated funding source for water restoration and clean-up. This money, coupled with existing programs, would allow Maryland to meet about 80% of Maryland's nitrogen reduction goals as outlined in the Chesapeake 2000 Agreement. Five Cabinet Secretaries testified in support of this bill, which passed the House, but failed to come out of the Senate this year.
- + Phosphorous:** The Governor supported legislation that bans phosphorus in dishwashing detergent, taking another step towards meeting our Bay restoration goals. He signed this bill into law on April 24, 2007.
- + Wetlands Violations:** After identifying a backlog of wetland permits, MDE began a thorough process of reviewing open complaints against potential polluters in April 2007. To date, at least one wetlands violation case has been sent to the Attorney General's office for legal action.

Energy

- Green Buildings:** The O'Malley administration testified against measures that would require new state owned buildings to be "High Performance" or "Green" buildings. High performance buildings save taxpayer dollars, are healthier for employees and are better for our natural resources. Ultimately, Governor O'Malley signed a bill on April 24, 2007 that creates the "Maryland Green Building Council" and instructs it to evaluate high performance building technology and make recommendations on how the state can best build high performance state facilities.

Fisheries & Wildlife

+ Oyster Restoration: Governor O'Malley sponsored legislation to help restore Maryland's native oyster population. This bill was signed into law on April 24, 2007. Additionally, the Governor's budget provided \$9 million for Horn Point laboratory to build an oyster setting facility.

Smart Growth

+ Reinstating the Office of Smart Growth: After being dismantled by the previous Administration, Governor O'Malley reinstated the Office of Smart Growth by including it in the Fiscal Year 2008 budget. Adequate Smart Growth planning is critical, especially in Maryland where the pressures of growth are overwhelming.

— Staffing the Office of Smart Growth: Unfortunately, the funding for the Office of Smart Growth is far below where it was under Governor Glendening and needs to be increased in the next few years. In addition, there has still not been an appointment made to head the Office of Smart Growth. With all of the work facing this office, we look forward to seeing a Smart Growth leader in this position.

Transportation

— Inter-County Connector: Governor O'Malley's support of the Inter-County Connector (ICC) is troubling. This unnecessary project will cost the state \$2.4 billion, holding back more important transit options. A recent report commissioned by 1000 Friends of Maryland revealed that the ICC has serious problems and consequences that should be addressed.

+ Transit: Transportation Secretary John Porcari has repeatedly stated the Administration's commitment to key transit projects like the Purple Line (between Bethesda and New Carrollton), Red Line (in Baltimore), and the Corridor Cities Transitway (between Shady Grove and Clarksburg). Unfortunately, due to some flaws in the initial ridership studies which began under the previous Administration, these projects have been pushed back by a year.

Land Preservation & Open Space

+ Program Open Space: Before even taking office, Governor O'Malley announced that he included full funding for Program Open Space in his budget for Fiscal Year 2008.

+ Blackwater Refuge: On April 18, 2007, Governor O'Malley, along with the rest of the Board of Public Works, approved the state purchasing land that would help preserve 70% of the proposed development outside Blackwater National Wildlife Refuge on the Eastern Shore. Over 700 acres of this beautiful and sensitive land that was slated for development will now be protected.

+ Cover Crop Program: Governor O'Malley included almost \$9 million in his budget for Fiscal Year 2008 for the continuation of the Cover Crop program. This program is critical to the health of the Chesapeake Bay.

Administration & Appointments

+ Appointments: Governor O'Malley appointed outstanding leaders on the environment to run key environmental agencies. Secretary John Griffin of Department of Natural Resources (DNR) was previously Secretary under Governor Glendening where he was charged with the protection of Maryland's natural resources. Secretary Shari Taylor Wilson of Maryland Department of the Environment (MDE) has an impressive environmental background, including previous experience at MDE where she worked on a variety of issues including toxics and brownfields. She also worked for the Office of Smart Growth and in Baltimore City Planning. In addition, Secretary Richard Hall, Department of Planning, and Margaret McHale, Chair of the Critical Areas Commission, are great environmental advocates with strong ties to the environmental community.

— No Appointment for Energy: We are disappointed however, that Governor O'Malley has yet to act on naming an Administrator for the Maryland Energy Administration. This agency has many challenges before it as the state tackles the very serious issue of global warming and needs a strong leader.

+ BayStat: The Governor's BayStat program will allow the state to monitor the health of the Chesapeake Bay and the level of success achieved with new programs in place. BayStat will ultimately create better, more effective public policy aimed at Bay restoration. The Maryland League of Conservation Voters has long supported holding officials accountable and we are glad to see the Governor doing it on measures to protect the Bay.

+ Funding for Enforcement: Attorney General Doug Gansler made a serious commitment to fighting environmental crimes. In order to effectively do this, he requested four new positions in the Environmental Crimes division, which Governor O'Malley appropriated funds for in his Fiscal Year 2008 Budget.

Looking Forward

Overall, Governor O'Malley and his Administration receive high marks. Of course, because the Maryland League of Conservation Voters is the known as the "environmental watchdog" group, we always see room for improvement. We wish that the Administration would reconsider the building of the environmentally destructive \$2.4 billion Inter-County Connector (ICC).

We would like to see more Administration support for renewable energy policies, which are vital both for Maryland's energy future and to fight global warming. We would like to see a critical appointment filled at the Maryland Energy Administration that is, unfortunately, still vacant.

In addition, we are concerned about the \$1.5 billion structural deficit that will certainly affect programs and agencies that help protect our environment. We hope the Governor will continue to involve the environmental community as we work with many allies to solve this problem, and we hope the Administration will continue to properly invest in Maryland's natural resources to make us a "liveable state."

Overall, with such a strong start out of the gate, we see many opportunities for the O'Malley Administration to be a leader that will help Marylanders solve serious challenges from global warming, a polluted Chesapeake Bay, and impending growth as a result of the Base Realignment and Closure.