The Sandusky Register

**Court: Show proof or vote on dam**

(4/3)

A local high-ranking court gave Fremont auditor Paul Grahl two options regarding the Ballville Dam:

* Option A: Recognize a citizen-driven petition, signed by more than 500 city residents and submit it to the Sandusky County Board of Elections.
* Option B: Provide a legitimate reason to not submit the document.

An ultimatum came about a month after three local residents filed a lawsuit against Grahl.  The petition seeks to enact a ballot issue, theoretically asking residents in a citywide election whether or not they want the Ballville Dam torn down.  A lawsuit resulted when Grahl wouldn’t pass the signatures on to the elections board, which must verify and validate the signatures before certifying a ballot issue. In December, residents provided the signatures to Grahl, the city official charged with overseeing such documents.  The attorney representing all three city residents said the court ruling supports his clients’ claims.  “After reviewing our complaint, the court must believe that it has some merit, otherwise (the lawsuit) would’ve been dismissed,” local attorney Andrew Mayle told the Register. “The court is putting the burden on Grahl to explain why he didn’t submit the petitions to the board of elections”  Less than two weeks from now, Grahl must respond to the court and choose one course of action.  One potential reason for Grahl’s reluctance and thus blocking a vote:   Fremont officials don’t want voters to possibly override a November city council decision to demolish the dam.  Despite their preference, officials must not impede democratic processes, according to the lawsuit filed by Mayle.  “Even if Grahl personally agrees with enactment of the demolition ordinance, he still has a legal duty as auditor to transmit the referendum petition to the board of elections once timely presented with the referendum petition bearing more than enough signatures,” the lawsuit reads.  It’s not known what decision Grahl will make.  “I haven’t had a chance to consult with the law director,” Grahl told the Register. “We want to sit down and review the decision and judgment that was sent out by the court and figure out where the city will go from here”  The best dam decision?

Proponents for tearing down the dam — mostly officials on the local, state and federal levels — said demolishing the structure could mean fish, and especially walleye, would access both sides of the dam. This would ideally populate the northern and southern portions of the Sandusky River.  But several problems could occur if the structure comes down.  Among the main gripes residents have voiced with taking down the dam, as pointed out by city resident and former Fremont Municipal Court Judge Jim Sherck:

* Cost: Sherck said officials purposely presented financial information in a way to make it appear as if tearing down the dam was a better financial option than to repair it.  Repairing the dam, according to Sherck, would cost $27 million. That figure, which Sherck said is deliberately inflated, pales in comparison to the $11 million price tag officials said it would cost to remove the dam.  But consider this, Sherck said: “The environmental costs to remove the dam and for an environmental cleanup would cost $96 million. And the environmental damage risk that Fremont is undertaking by removing the dam could be in the hundreds of millions of dollars”
* Environmental impact: If the dam is removed, then a mile-long, footballfield-wide, 25-foot deep avalanche of silt resting behind the dam would be released, possibly harming the ecosystem in the Sandusky River and the nearby Sandusky Bay.  “The vast amount of that silt, experts said, will create havoc on the floor of the Sandusky River, and the microorganisms and the fish of the ecosystem will be seriously compromised,” Sherck said.
* Flooding issues: Removing the dam could create serious flooding problems.  “One of the unintended functions of the dam is it serves as an ice-catching device. If the dam is removed, an ice-catching device needs to be built in its place” Sherck said. “Without an ice-catching device, it would create flooding issues in Fremont”
* No backup water supply: Many cities have multiple impounded water sources, or a protected and dedicated pool of water. But if the dam gets removed, then residents can only rely on the Fremont Reservoir for drinking water.  “If the reservoir comes offline, and we have a drought situation, how is the city going to get any water?” Sherck said.