



WEDNESDAY
September 2, 2015

StarTribune

85° **71°**
More of the same: still hot, still humid. **B8**

TOP NEWS



A YEAR OF 'ABORTION MERCY' SET

Pope Francis allows priests to absolve women who have ended pregnancies. **A4**

Target lays off 235 on IT staff

Along with Twin Cities workers, 40 others in India to be idled. **D1**

Suspects sought in officer death

A manhunt is on for three men involved in slaying near Chicago. **A3**

Arrest made in Bangkok blast

Man caught at border looks like man who set off bomb at shrine. **A5**

Smoking in U.S. hits record low

Survey finds about 15 percent of Americans regularly light up. **A2**

LOCAL NEWS

Lino Lakes cop is king of stops

Issuing 535 tickets in 2 months, officer makes himself known. **B1**

Trooper fights prosecution

Scott Reys was indicted in the death of a couple in a car crash. **B1**

Child psych hospital opens

PrairieCare responds to need for more child psychiatric care. **B1**

SPORTS

Twins lead, then trail, rally

Three runs in eighth overcome shaky pitching vs. White Sox. **C1**

TCU no longer a Cinderella

Unlike last season, expectations high for Gophers foe. **C1**

BUSINESS



Egg McMuffins any time? Yup

McDonald's will be launching all-day breakfast next month. **D3**

TODAY AT THE FAIR

It's Read & Ride Day at the State Fair, meaning a public library card gets you a discount ticket. **E5**

Obama seeks Arctic clout

In Alaska, the president said that he wants new icebreakers for the contested region.

By JULIE HIRSCHFELD DAVIS
New York Times

SEWARD, ALASKA - President Obama on Tuesday proposed speeding up the acquisition and building of new Coast Guard icebreakers that can operate year-round in the nation's polar regions.

It is part of an effort to close the gap between the U.S. and

other nations, especially Russia, in a global competition to gain a foothold in the rapidly changing Arctic.

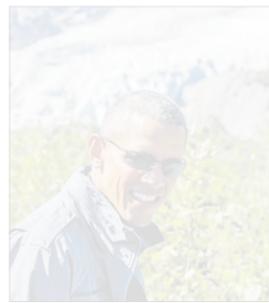
The president's proposal, which came on the second day of a three-day trip to Alaska to highlight the consequences of climate change, touches on one of its most profound effects.

The retreat of Arctic sea ice has created opportunities

for shipping, tourism, mineral exploration and fishing, but the rush of marine traffic that has followed is bringing new environmental difficulties.

"Arctic ecosystems are among the most pristine and understudied in the world, meaning increased commercial activity comes with significant risks to the environment," a White House statement read.

"The growth of human activity in the Arctic region will require highly engaged See **OBAMA** on A8 ▶



ANDRE HARNIK • Associated Press
President Obama on a hike Tuesday in Seward, Alaska.

Schools closing reading, math gap

Nearly two-thirds make progress, but big cities lag behind, and some opt out.

By ALEJANDRA MATOS
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New state data show that nearly two-thirds of Minnesota schools are making significant progress in closing achievement gaps in reading and math, but few schools in Minneapolis and St. Paul are making major gains.

The state is plagued with one of the largest achievement gaps in the U.S. between white students and students of color. The gaps are most prevalent in the Minneapolis and St. Paul public schools. As a way to track progress in closing the gap, the state in 2012 devised the Multiple Measurements Ratings (MMR) system, which relies on test-score improvements and graduation rates.

The overall goal is to cut the achievement gap in half by 2017. Each school also has individual yearly targets that vary, depending on demographics and student performance.

This year, 43 percent of schools met their targets in reading. More than a fifth of schools met all but one. In math, 41 percent of schools met 2015 targets, while 21 percent of schools met all but one target. The state recognized 119 "Reward Schools," top performers in improving their achievement gaps. All are low-income schools.

Gideon Pond Elementary in Burnsville is one of 14 schools recognized five years in a row. More than half of its population consists of students of color who are outperforming their statewide counterparts.

"Year after year, we know for sure they have sustained high performance," said Minnesota Education Commissioner Brenda Cassellius. Her goal now will be to study what is working and then replicate See **SCHOOLS** on A6 ▶

RATINGS

The score looks at four factors:

- Graduation rate
- Proficiency
- Academic growth
- Achievement gap reduction

Source: Minnesota Department of Education

PolyMet mine water could flow north, toward BWCA



File photo by RENÉE JONES SCHNEIDER • reneejones@startribune.com

David Hughes of PolyMet walked on the proposed site near Hoyt Lakes. The project prompted a decade of environmental review.

By JOSEPHINE MARCOTTY
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After months of behind-the-scenes debate, state and federal regulators have conceded for the first time that some potentially polluted water from Minnesota's first proposed copper-nickel mine could flow north toward the Boundary Waters Canoe Area Wilderness.

As a result, the U.S. Environmental Protection Agency is urging state officials to disclose that possibility and propose a solution in the final version of the 10-year-old environmental review of the controversial project, which is due out later this year.

While the flow of water at issue could be relatively small, and wouldn't occur for decades, environmentalists and Indian tribes say the miscalculation is an indication that the computer modeling used to project the mine's environmental risk to water is badly flawed.

"How, after 10 years of study, can we not know which way the water is going to go?" said Kathryn Hoffman, an attorney with the Minnesota Center for Environmental Advocacy, a nonprofit law firm. "It suggests that See **MINE** on A6 ▶

"The Clean Water Act should not be a race to the bottom. If you have a pristine watershed, you have to keep it that way." Kathryn Hoffman, an attorney with the Minnesota Center for Environmental Advocacy

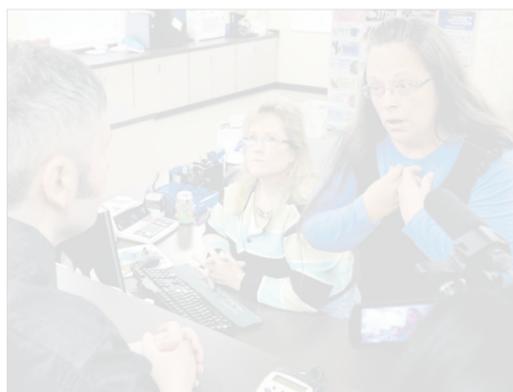
Clerk stages last stand on gay marriage

Ky. official, who cites religious beliefs, faces a contempt hearing Thursday.

By CLAIRE GALOFARO
Associated Press

MOREHEAD, KY. - Invoking "God's authority," a county clerk denied marriage licenses to gay couples again Tuesday in direct defiance of the federal courts, and vowed not to resign, even under the pressure of steep fines or jail.

"It is not a light issue for me," Rowan County Clerk Kim Davis said later through her lawyers. "It is a heaven or hell decision." April Miller and Karen Roberts were there when the doors opened Tuesday, hours after the Supreme Court rejected the clerk's last-ditch request for a delay. See **CLERK** on A6 ▶



TIMOTHY D. EASLEY • Associated Press
Rowan County Clerk Kim Davis talked with David Moore on Tuesday after she refused to issue marriage licenses.

Twice in 8 months, St. Paul retiree has lottery's number

By PAUL WALSH • paul.walsh@startribune.com

1 in 2.7 M odds of winning the All or Nothing game. **Payout:** \$100,000

1 in 302,943 chance of scoring on a Wild Cherries scratch ticket. **Payout:** \$20,000

Turns out, when it comes to beating long odds, Jeffrey Bock has just the right touch.

For the second time this year, the 65-year-old St. Paul retiree has struck lottery gold, with his latest odds-defying reward proving even more lucrative than the first.

Bock scored a \$100,000 top prize payout by matching all 12 numbers in Sunday's All or Nothing drawing, Minnesota Lottery officials said Tuesday.

About eight months ago, Bock won \$20,000 with a \$2 scratch-off ticket.

After Sunday's drawing, "I scanned my ticket, and the message said to 'claim at the Lottery,'" Bock told lottery officials.

Bock said he assumed that he had won \$1,000, but a friend told him he thought it was actually a See **WINNER** on A6 ▶

PolyMet water could flow toward BWCA

◀ **MINE** from A1
there is a lot we don't know about the impact."

The Minnesota Department of Natural Resources, which is leading the project's environmental review, said in a statement Tuesday that it is evaluating the scenario. It was only brought to its attention recently, the agency said.

PolyMet Corp., which has proposed the mine, said in a statement that it is confident the water modeling is safe and protective of human health and the environment, and that questions will be addressed by the lead regulators.

But arguments detailed in technical documents obtained through the Minnesota Data Practices Act show just how difficult it is for engineers to predict the flow and quality of water that could emerge after decades of mining alter the landscape in one of Minnesota's wettest areas.

And they raise a specter that conservationists and canoeists in Minnesota have long feared: that the nearly pristine watershed that contains the BWCA will be harmed by PolyMet's mine.

"The Clean Water Act should not be a race to the bottom," said Hoffman. "If you have a pristine watershed, you have to keep it that way."

Mine would create 350 jobs

PolyMet, a Canadian company partly owned by the international mining conglomerate Glencore, has proposed a \$650 million open-pit mine near Hoyt Lakes, on the site of an old taconite mine. It would create some 350 jobs, and operate for 20 years or more, opening what some hope could be a new era of mining for copper and other precious metals on the Iron Range.

But unlike taconite mining, copper-nickel mining exposes rock containing sulfides, which can cause significant environmental risks from leached metals and other contaminants if exposed to air and water.

As a result, the proposed project has created one of the most contentious and long-running environmental



RENÉE JONES SCHNEIDER • reneejones@startribune.com

An environmental impact statement said the majority of water seeping from the mine would be collected and run through a wastewater treatment system to remove contaminants. But opponents say the risk to such a pristine area is still too great.

debates in Minnesota history.

The latest problem, first reported in August by the weekly Timberjay newspaper, was identified by scientists who work for the Minnesota Chippewa Tribe. The tribe has a seat at the table for the review along with the U.S. Forest Service, the U.S. Army Corps of Engineers and the EPA.

Until now, it was assumed that water from PolyMet would flow south toward the St. Louis River and Lake Superior, and away from the BWCA.

But the tribal scientists pointed out that groundwater flow is strongly influenced by a 12-mile-long taconite mine 1 mile north of PolyMet's proposed site — the Peter Mitchell pit owned by the Northshore Mining Co. Recent mining operations in the Mitchell pit have removed a geological barrier that once stood between the two watersheds.

When that taconite mine closes years from now, its water level will be 300 feet lower than the level in PolyMet's mine at closure, accord-

ing to scientists for the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). And water, as the tribal leaders and scientists have pointed out in documents provided to the DNR and federal agencies, flows downhill.

That suggests that contaminants from PolyMet "may flow north rather than the southward direction currently assumed," said John Coleman, environmental section leader for GLIFWC in a June 18 letter to government agencies.

How much water, and to what extent it could be contaminated, is unclear. The most recent environmental impact statement said the vast majority of water seeping from the PolyMet site would be collected and run through a wastewater treatment system to remove contaminants.

But, Coleman argues, PolyMet and its consultants, Barr Engineering, used old and inaccurate water data and assumed that the levels in the Peter Mitchell pit wouldn't change. Nor did they include the correct predicted levels for the Peter Mitchell pit when it closes decades from

now, he said.

The DNR says in documents that, when closed around 2070, the water level in the Peter Mitchell pit will be 1,250 to 1,350 feet above sea level, while the water level at the PolyMet mine will be at 1,576 to 1,592 above sea level.

The difference is equal to about twice the height of Niagara Falls.

A natural barrier?

The DNR declined to make officials available for comment. But in a June 22 memo, the DNR and federal officials disputed Coleman's conclusions. They said they believe that rain and other drainage sources will create an underground "groundwater mound" that would act as a barrier to any flow from PolyMet.

Nonetheless, they conceded, a northward flow from PolyMet is a "theoretical possibility."

State geologist Tony Runkel, who has been critical of the data used to create PolyMet's water model, was more certain.

"If you change the ground-

water levels of different areas outside the mine site, that can definitely change the direction in which the water flows," he said.

Coleman declined to be interviewed for this story, but GLIFWC spokesman Charlie Rasmussen said: "If it's less than the best environmental analysis, the tribes are going to say do better."

Technical documents reviewed by the Star Tribune also outlined some actions, such as monitoring and groundwater extraction wells, that could mitigate a northward flow of groundwater. The EPA said in its letter that such "adaptive management" strategies are acceptable in an EIS.

But, Coleman said in his letter, none of those options has been thoroughly reviewed and they could be expensive.

And Hoffman pointed out that they are not the best solution.

"It's always a lot easier and cheaper to prevent water pollution than to clean it up," she said.

Josephine Marcotty • 612-673-7394

Ky. clerk stages last stand on gay marriage

◀ **CLERK** from A1

They said they hoped Davis would accept that her fight was lost and issue the licenses, ending the long controversy.

Instead, Davis once again turned them away. On their way out, Miller and Roberts passed David Ermold and David Moore, 17 years a couple. "Denied again," Roberts whispered in Moore's ear.

Ermold said he almost wept. They demanded to talk to Davis, who emerged briefly on the other side of the counter. "We're not leaving until we have a license," Ermold said.

"Then you're going to have a long day," Davis replied.

Davis, an Apostolic Christian, stopped issuing all marriage licenses in June rather than comply with the Supreme Court's legalization of gay marriage nationwide.

Supreme Court refusal

Gay and straight couples sued, saying she should fulfill her duties as an elected official despite her personal religious faith. U.S. District Judge David Bunning ordered her to issue the licenses, an appeals court affirmed that order, and the Supreme Court on Monday refused to intervene, leaving her no legal option to refuse.

And yet, she did. "Stand firm," Davis' supporters chanted as a tense standoff erupted in the lobby. "Do your job," marriage equality activists shouted.

Davis retreated into her inner office, closed the door and shut the blinds. The sheriff moved everyone outside.

The couples' lawyers asked that she not be sent to jail, and instead be fined, since she currently collects her salary — \$80,000 a year — while failing to perform her duties.

Bunning ordered Davis and her six deputy clerks to appear Thursday morning at the federal courthouse in Ashland.

Davis also faces a potential state charge of official misconduct, a misdemeanor meant for public servants who refuse to perform their duties.

Davis said she never imagined this day would come.

"I have no animosity toward anyone and harbor no ill will. To me, this has never been a gay or lesbian issue. It is about marriage and God's Word," her statement said.

Her critics mock this moral stand, noting that Davis is on her fourth husband after being divorced three times.

Ordeal with death threats

Joe Davis came by to check on his wife. It's been an ordeal, he said. She got death threats and they've had to change their phone number. He pointed to people calling for gay rights.

"They want us to accept their beliefs and their ways," he said. "But they won't accept our beliefs and our ways."

Mathew Staver founded Liberty Counsel, a Christian law firm that represents Davis. He said she was a sinner until she went to church four years ago when her mother-in-law died. She was born again after the preacher read a Bible passage about how forgiveness grows from God, he said.

"She asked for and received forgiveness and grace. That's why she has such a strong conscience," he said.

Davis served as her mother's deputy for 27 years before she was elected in November. As an elected official, she can be removed only if the Legislature impeaches her.

Nearly two-thirds of schools praised for closing gap

◀ **SCHOOLS** from A1
those programs in struggling schools. As she does so, Cassellius is mindful that the biggest achievement gap is in the Minneapolis and St. Paul schools, which have the highest percentages of students of color, and where officials have resisted state efforts.

"If the state really wants to meet its goals, we are going to have to see Minneapolis and St. Paul also improving," Cassellius said. "We are ready to go all-in, but schools are locally controlled. But we are ready to do all hands on deck."

Kenny Elementary was the only Minneapolis school recognized as a top performer; three others slipped off that list this year.

In St. Paul, no school was rated as a Reward School this year. Central High School, which had been a top performer, failed to rate that high this year. Three other St. Paul schools were flagged as needing improvement.

Minneapolis, St. Paul resist

For four years, the Minneapolis and St. Paul school

districts have declined to participate in the Minnesota Education Department's Regional Centers of Excellence, a program that puts experts in struggling schools, where they can offer training and support in meeting goals.

Cassellius said the centers have proved useful, noting that 74 percent of the lowest-performing schools using the program saw improved growth from 2011 to 2015.

The Minneapolis Public Schools system did not respond to questions about its lack of participation in the regional centers program. Last year, district officials said they intended to focus on their own plan to get schools off the low-performance list.

Michelle Walker, St. Paul Public Schools chief executive, said, "It's not that we refuse to be a part of the centers, but when we looked at the model, we already had many of those pieces in place."

Last year, the state named the lowest-performing schools, including dozens from Minneapolis and St. Paul. The state designates

low-performing schools only every three years so that schools have enough time to show sustained improvement.

Still, not all of the news was grim for those districts.

Phalen Lake Hmong Studies Magnet School — an elementary school on St. Paul's East Side where 91 percent of students are eligible for free or reduced-price lunches and 86 percent are English language learners — was among the schools that saw major progress in closing its achievement gap.

At Phalen, 59 percent of students showed academic improvement this year, with math proficiency rates rising to 46 percent in 2015 from 38 percent last year.

Principal Catherine Rich credited the school's success to her staff's collaborative spirit and willingness to reflect on what works best for students. "We have things we still have to learn," Rich said. "There's an incredible sense of possibility and onward growth — a real strong desire to put all the pieces of the puzzle together."

Minneapolis officials note that they have had significant gains in some of their lowest-performing schools. Anishnabe Academy, an elementary school with a large population of American Indian students, saw double-digit gains in its MMR score. Its math test scores improved to 12 percent proficiency from 6 percent a year ago.

Opt-out rates can hurt

Minneapolis' Henry High School, which is 45 percent black, might have qualified as a top performer, but nearly a fourth of its students did not take the exam. The state requires at least 95 percent participation in the Minnesota Comprehensive Assessments (MCA) in order to be recognized.

State and school district officials say the growing number of students opting out of state-mandated exams is also making it difficult to track the progress of some Minneapolis and St. Paul schools.

The higher opt-out rate is part of a national parents' movement to reduce the

number of tests required of students. Some teachers have urged parents to excuse students from exams on the grounds that they aren't an accurate measure of academic performance. And some test results are being used to help gauge teacher performance.

One of the highest opt-out rates was at South High School in Minneapolis, where just 12 percent of 405 juniors took the state math test.

Eric Moore, the district's research evaluation and assessment director, said it's "unfortunate" that a school like Henry was not recognized because too few students took the exams.

"This is a situation where the opt-out situation can have an unintended consequence on the perception of the school," Moore said. "You give the wrong impression that something is wrong, but really it's the same level of excellence. They just don't have enough participation on the assessment."

Staff writers Glenn Howatt and Anthony Lonetree contributed

Twice in 8 months, retiree has lottery's number

◀ **WINNER** from A1
\$100,000 winner.

To that, Bock replied, "If it's \$100,000, I'm fainting. So you better bring water!"

With that, Bock and his friend headed off to lottery headquarters in Roseville, water in hand, and the grandest of grand prizes was confirmed.

The maximum payout for the \$1 All or Nothing bet is made when either all of the 12 numbers or none of them are matched. There are smaller prizes for matching

fewer of the numbers.

Lottery officials broke down the odds of what Bock pulled off, and they are staggering:

The chances of his All or Nothing payout were roughly 1 in 2.7 million.

Earlier this year, Bock beat 1-in-302,943 odds with his \$20,000 Wild Cherries scratch ticket.

Lottery spokeswoman Marie Hinton also checked with the office's research director on what the odds were of Bock hitting both prizes (the payouts were subject

to taxes, by the way).

"He stressed we can't calculate that for this particular player because we would have no way of knowing how many of each ticket he purchased," Hinton said.

However, she continued, "He told me that the odds of winning both prizes if one ticket of each were purchased would be 1-in-811,244,800,000."

Yes, that's more than 811 billion.

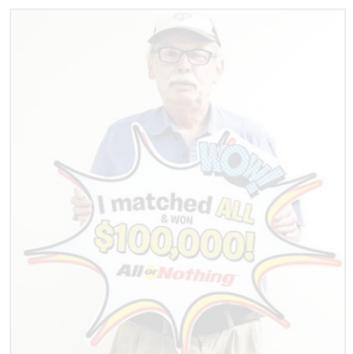
The gas station that sold Bock the winning All or Nothing ticket — the SuperAmerica Sunrise at 16

14th Av. NE, in St. Cloud — earned a \$1,000 bonus from the lottery for being the seller.

Bock has been stopping at the station every morning for the past month or so, "getting a coffee refill and sometimes a water and a newspaper," said manager Julie Dubbin.

"He was in this morning, and we brought it up," Dubbin said. "He was excited, and we were really excited for him too."

Paul Walsh • 612-673-4482



Jeffrey Bock, won \$100,000 in a lottery game this week. He had won \$20,000 with a scratch-off ticket in January.

September 2, 2015



PolyMet mine water could flow north, toward BWCA

By JOSEPHINE MARCOTTY

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As a result, the U.S. Environmental Protection Agency is urging state officials to disclose that possibility and propose a solution in the final version of the 10-year-old environmental review of the controversial project, which is due out later this year.

While the flow of water at issue could be relatively small, and wouldn't occur for decades, environmentalists and Indian tribes say the miscalculation is an indication that the computer modeling used to project the mine's environmental risk to water is badly flawed.

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And they raise a specter that conservationists and canoeists in Minnesota have long feared: that the nearly pristine watershed that contains the BWCA will be harmed by PolyMet's mine.

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As a result, the proposed project has created one of the most contentious and long-running environmental debates in Minnesota history.

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