

## The Gnatcatcher

#### Newsletter of the

#### **Juniata Valley Audubon Society**

P.O. Box 32, Tyrone, Pennsylvania 16686

< www.juniatavalleyaudubon.org >

Vol. 35, No. 4 - July/August 2003

### President's Message Regarding Logan Town Centre

s president of Juniata Valley Audubon, I feel that I need to set the record straight on the events that led up to the decision for not appealing the permit issued by the Pennsylvania Department of Environmental Protection (DEP) for the Logan Town Centre shopping complex to be built on the side of Brush Mountain, near Altoona.

Juniata Valley Audubon, the organization that had been most responsible for getting many local environmental groups and private citizens aroused against the Logan Town Centre project, seriously considered requesting an appeal of the DEP's permit for the project.

In an "eleventh-plus hour" JVAS Board Meeting, our legal counsel said that in order to get the case reviewed by the Environmental Hearing Board, it would be necessary to first establish "standing;" that is, come up with a minimum of three or four JVAS members who could claim that they would be "harmed." I mean harmed by the filling of wetlands — not by the building of the mall itself because that, although causing harm to adjacent landowners, is not why the permit was issued.

A lengthy discussion ensued trying to figure out how the JVAS could establish standing, using residents on adjacent properties together with hunters who hunted on Brush Mountain in the vicinity of the site.

The result of the deliberation was that the JVAS simply didn't have a number of "harmed" members to come forward to testify and establish standing. (Being just any member of the organization isn't sufficient, according to the law.)

There was no guarantee that standing could be established; therefore, it didn't matter how the JVAS board members voted. As I said before, we didn't have members who could give passionate and convincing testimony as to their "harm."

Granted, many citizens and organizations spent a great amount of time in working to try to save Brush Mountain from the folly of a developer; however, members of the JVAS LTC committee also put in a lot of time on this project and pursued it as far as they could. I think the committee members deserve some recognition for their efforts — not just criticism.

The decision not to join the appeal wasn't arbitrary or capricious, and it wasn't because the board members were afraid of countersuits and/or retribution from the developer (although that was a genuine concern). I think it's only fair, given the circumstances, to give the JVAS board a break. If you're still angry, please direct your anger at the DEP and the Army Corps of Engineers for not doing their jobs.

There will be more environmental battles ahead, and we all need to stick together! ©

#### The Gnatcatcher

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Juniata Valley Audubon is a chapter of the National Audubon Society, serving members in all of Blair and Bedford Counties, and portions of Cambria, Centre, Clearfield, Fulton, and Huntingdon Counties. The membership comprises National Members along with Chapter-only Members.

Evening program meetings are held in the chapel at Alto-Reste Park, Plank Road, Altoona (directly across from Wal-Mart) on the third Tuesday of the month in January, February, March, May, and September through November at 7 PM. The public is invited to attend.

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#### From the Gnatcatcher's Nest

Jennifer Park is appointed to the JVAS board of directors as wetlands chair, replacing Sarah Miller who has resigned. Sarah said she is leaving "to spend more time with my family and to focus my efforts on the Northern Altoona Access Route."

Jen is a Chatham College graduate with a B.A. degree in biology and psychology. She has worked the past two years at Juniata Clean Water Partnership, in Huntingdon, as the environmental education and outreach coordinator. Welcome to the Board, Jen!

As the saying goes: "All good things come to an end." JVAS past president and acclaimed nature writer, Marcia Bonta, has discontinued her regular column in this newsletter. We all shall miss her perceptive and entertaining essays. (See page 5 for a complete listing.) Thank you, Marcia, for your wonderful contributions.

Canoe Creek State Park's environmental education specialist, Heidi Boyle, says she'll strive to fill the page formerly reserved for Marcia. Heidi picks right up in this issue.

#### 

- ☐ Option 1 National Membership provides you with the following benefits:
  - Subscription to the quarterly Audubon magazine, each one filled with superb nature photography and in-depth reporting on environmental issues.
  - Notification of Juniara Valley Audubon's exciting activities including monthly nature programs, field trips, and other events.
  - Subscription to the bimonthly chapter newsletter, The Gnatcatcher.
  - Opportunity to participate in local advocacy efforts to help make a real difference.
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#### CONSERVATION

By Mark Henry

# ORNER

#### On the JVAS Board Decision Not to Sue the DEP Regarding Its Permit for the LTC

As many Juniata Valley Audubon members are aware, your Board of Directors, after much discussion and soul-searching, decided to not go forward with a lawsuit against the Pennsylvania Department of Environmental Protection (DEP) over the permit it issued to Morris Management for the Logan Town Centre shopping complex. This has been a contentious issue, and the Board was split on whether or not to go forward.

For the record, I voted to go forward and was disappointed that the Board decided not to. After having talked with other members, however, I certainly understand the concerns about possible retribution from Morris Management and the possible attacks from Senator Jubelirer and/or Rep. Geist. This is, in my opinion, unfortunate.

When men with power and money can intimidate citizens from exercising their rights as citizens because of the fear of retribution, then there is something wrong. Further, when the government agencies, charged with enforcing the law and regulations, can bend the requirements in order to satisfy the politically powerful and the wealthy, then something is wrong.

The result of all this maneuvering is that we'll be losing 150 acres of forest and about four acres of wetlands. So who's to blame? I believe all of us must share the blame — the politicians, the developer, the bureaucrats and, certainly, us. If we're honest with ourselves, we all can think of something we could have done or shouldn't have done that, in some way, contributed to the failure to protect the land from being paved over. So, we all must bear the responsibility of seeing another piece of our environment lost.

But regarding the Board's decision, I have read e-mail messages containing comments on the Board's decision, several of which expressed disappointment. Whether the JVAS Board made the right or wrong decision is something each of us will have to decide for ourselves.

However, let's remember, the Board is responsible for the Chapter, and its decision was not to proceed. So, rather than dwell on this decision and continue to argue, it's time to move on. As pointed out by Cindy Dunn, then executive director for Audubon Pennsylvania, the JVAS is active in a number of other ways: educational programs, letters to the editor, public testimony, etc.

So in closing this Corner, I believe that, in the end, we'll be judged by our words, and even more important, by our actions — for our actions do speak louder than our words. So let's not give up, let's move forward and resolve that in the future, we'll continue to work together to do the right thing for the environment and humanity. It's critical that we do; for if we don't, then who will? Certainly not the money-hungry developers, nor the power-hungry politicians, nor the weak-willed bureaucrats.

#### Young Hummers?

At this time of year, influxes of ruby-throated hummingbirds appear at your flowers or feeders. It can be a puzzle trying to figure out which are adult females and which are juveniles.

Noted nature writer, Scott Weidensaul, says: "Here are some clues. Fresh, newly fledged hummers of either sex have buffy edges to the head and auricular feathers that give them a slightly scalloped, duller look than an adult female. Young males tend to have very heavily streaked throats, but an older adult female often will have some streaking as well. Young females generally have a clean white throat, and often have a bright cinnamon cast to the underparts that looks brighter than the buffy flanks some adult females have, and can sometimes fool people into thinking they have a young rufous or Allen's.

"Like most birds, hummers often weigh more than their mother when they leave the nest, although their bills may still be noticeably shorter for a few days, and the tail might have to grow a millimeter or two to reach full size. But male hummers are smaller than females, so a noticeably smaller, streaky-throated bird may be a young male.

"The one fairly certain way to tell in the hand is to examine the upper mandible of the hummer with a magnifying glass. A young bird will have herringbone-like striations along the length of the bill, which will all but disappear by next spring. Obviously, this isn't much of a field mark!

"As for the adult males, by late July, we're already into their migration season, as they up stakes and begin to drift south. Because they play no role in incubation or chick-tending, after all the available females have mated, their presence is superfluous, and many of them begin to head south. And there's a good chance the males that are seen may not be the same ones day to day, as some move out and others show up to feed for a while before also moving on."

#### Agencies Sue Over Access To Section of Lil' J

The state Department of Environmental Protection (DEP), the state Department of Conservation and Natural Resources (DCNR), and the Pennsylvania Fish and Boat Commission (PFBC) have filed suit in Huntingdon County Common Pleas Court to clarify the public's right to fish, boat, and recreate on a 1.3-mile section of the Little Juniata River.

The Commonwealth's complaint alleges that since early 2000, Donald Beaver, one of the defendants in the case, has been operating various exclusive fly-fishing services on the Little Juniata River at and below its confluence with Spruce Creek, in Huntingdon County, and that Beaver and his employees have excluded the public from the river, posting "no trespassing" signs and erecting cables across the waterway at the upper and lower ends of the stretch. According to the complaint, Beaver has a contractual arrangement with Connie Espy to use property she owns adjacent the river on the eastern side. Espy also is named as a defendant.

The agencies' complaint asks the court to enjoin Beaver and his employees and other defendants from interfering with the public's right to use the 1.3-mile section of the Little Juniata River and confirm the long-standing position of the agencies that the Little Juniata is a navigable water of the Commonwealth, held in trust by the state for the benefit of the public.

"The public is being denied an opportunity to enjoy one of the countless natural resources that this state is obligated to protect on behalf of its 13 million residents. There is no legal basis for any individual to be excluded from the lawful use of this stretch of the Little Juniata River," DEP Secretary Kathleen A. McGinty said. "This case is about protecting the rights of the public to use and enjoy what rightfully belongs to them."

DCNR Secretary Michael DiBerardinis noted outdoor recreation brings billions of dollars to Pennsylvania's economy each year. A survey based on 1997 travel indicated nearly one-fifth of Pennsylvania's tourists are traveling primarily for outdoor recreation activities such as sightseeing, camping, or hiking.

"Our rivers, streams, forests, and parks offer prized outdoor recreation opportunities for both travelers and local residents," Secretary DiBerardinis said. "The Commonwealth has a constitutional responsibility to ensure the public resources stay available to the public. Limiting lawful access to a river is no different than someone blocking access to one of our state parks or forests."

"The state and the taxpayers of Pennsylvania restored this water to what it is today. It should be public, it belongs to the public and they have a right to it," said local businessman Allan Bright, owner of Spruce Creek Outfitters.

State ownership is based upon the historical navigability of the Little Juniata River. The Commonwealth agencies believe there is ample evidence of the use of the Little Juniata to transport goods downriver in the late 1700s and early 1800s. Additionally, there are three statutory public highway designations for the Little Juniata dating back to 1794, 1808, and 1822.

bathroom renovation of Marcia's guest house.

#### Thank You, Marcia!

For nearly a decade, popular nature writer Marcia Bonta has been educating and entertaining readers of *The Gnatcatcher* with an article in every issue. Marcia regrets that she no longer can fit writing a regular column into her schedule. If she feels less pressured in the future, Marcia hopes to contribute a piece in the newsletter occasionally.

Anyone who'd like a reprint of any of Marcia's columns can mail a self-addressed, stamped envelope to The Editor, The Gnatcatcher, P.O. Box 32, Tyrone, PA 16686. A complete list follows.

May/Jun 2003	"April's Blossoms"	Feb 2001	"Faith in a Seed"
	Noting the thriving of "soft" spring wildflowers, featuring the shadbush.		Taking an interest in a bumper crop of black birch seeds brings Marcia to Thoreau's "newly discovered" book, Faith in a Seed.
Mar/Apr 2003	"Shrew-watching"		
	Observing a northern short-tailed shrew in	Nov 2000	"Peace on Earth"
Jan/Feb 2003	winter.  "Tracking Bear"		Experiencing sunrise prayers at Elizabeth Evans Baker Peace Chapel.
<b>J.2.</b> 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2	Following bear tracks in the snow on much of	Ост 2000	"Golden Days"
	her land provides Marcia with a good workout.		Reveling in a golden afternoon in late September and encountering a handsome gray fox.
Nov/Dec 2002	"A Love Affair"	Sep 2000	"Coyote Birthday"
	What Marcia calls "endearing" northern saw-whet owls at the Raptor Center of Shaver's Creek Environmental Center.	Зер 2000	Son David fulfills a promise of coyote pups on Marcia's sixtieth birthday.
Sep/Oct 2002	"Unsolved Mysteries"	May/Jun 2000	"Nesting Acadian Flycatchers"
	Observing golden-crowned kinglets nesting in Marcia's Norway spruce grove.		A reprint of Marcia's column in the September 1995 issue of <i>The Gnatcatcher</i> .
May/Jun 2002	"Fools' Errand"	Apr 2000	"Unexpected Visitor"
	Coming up empty while looking for great blue herons at Lebo Run, in northern Clinton Co.		Discovering a beaver in the stream below Marcia's guest house.
Apr 2002	"Headwater Streams"	Feb/Mar 2000	"Nocturnal Visitors"
	Describing first-order streams and their habitats.		Observing black bears, screech owls, opossums, and raccoons at night in Marcia's feeder area.
Mar 2002	"Looking for Spring"	Nov 1999	
	Recounting a winter without snow, featuring eastern chipmunks.	1404 1777	"Walking With Bears"  Chasing after Mama bear and her cubs.
Feb 2002	"Northern Visitor"	O 1000	
1 65 2002	Tallying feeder birds, highlighting the red-breasted	Oct 1999	"Habitat vs. Highways"
	nuthatch.		Pondering on the assault on wildlife habitat, particularly on plans to build an interstate highway on Bald Eagle Ridge.
Nov 2001	"Visitor From the Taiga"	   Sep 1999	"Enmeshed in Webs"
	Observing the taiga form of an adult male merlin.	SCP 1777	Examining the webs of the spined micrathena.
Oct 2001	"Butterfly Fields"	M /I 1000	
	Early fall butterflies, especially the red admiral.	May/Jun 1999	"God's Dog"
Sep 2001	"A Cuckoo Summer"		Closely observing an eastern coyote from the Far Field Road bench.
	Encountering yellow- and black-billed cuckoos.	Apr 1999	"Feeder Birds"
May/Jun 2001	"Turtle Woods Wildflower Sanctuary"  Monitoring spring wildflowers in a three-acre deer exclosure on Marcia's mountain.		Feeder-watching results in some interesting visitors, including a "gray-phase" screech owl.
		Feb/Mar 1999	"Fruit-eating Birds"
Apr 2001	"Spring at Last!"  Experiencing spring harbingers in early April after a long winter.		Discovering a multitude of fruit-eating birds while
			on hollow walks.
Mar 2001	"The Joy of Tracking"	Nov 1998	"Snaky Summer"
	Tracking a red for through field and forest		Discovering various species of snakes in a

Tracking a red fox through field and forest.

6	The	Gnatcatcher	Jul/Aug 2003
Oct 1998	"Food for Wildlife"  Commenting on a most bountiful year for natura food for wildlife.	Apr 1996 I	"Signs of Spring"  Spring began for the Bontas when their first grandchild, Eva Luz, was born on March 16.
Sep 1998	"Return of the Carolina Wren"	Mar 1996	"February Thaw"
•	Telling about the Carolina wrens' return to Marcia's mountain after a five-year absence.		Contemplating on whether the February thaw was the late January thaw that never happened or an early spring.
May/Jun 1998	"Early Bloomers"	E 1 100/	, , -
	Raving about the pastel colors of early spring, with the spotlight on the shadbush.	Feb 1996	"Ladybug Invasion"  Describing the appearance and overwintering of various species of ladybug beetles at the Bontas'
Apr 1998	"Wood Frog Fever"		residence.
	Reflecting on watching forty wood frogs in Marcia's six-foot-by-three-foot pond.	Jan 1996	"Feeder Birds"
Feb/Mar 1998	"Twentieth Anniversary"		Marcia has a theory about bird feeders: They help us more than they help the birds.
	Covering the Bonta family's twentieth anniversary of participating in the JVAS	Nov 1995	"Nymphs of the Forest"
Nov 1997	Christmas Bird Count.  "The Right Thing!"		Describing the beguiling woodland jumping mouse.
	Talking about doing boring back exercises while	Oct 1995	"Hickory-Loving Squirrels"
	simultaneously watching a sharp-shinned hawk hunt gray squirrels.		Substantiating that shagbark hickory nuts are gray squirrels' favorite food.
Oct 1997	"Too Many Deer?"	Sep 1995	"Nesting Acadian Flycatchers"
	Discussing how many deer a healthy forest can support.		Describing the first confirmed breeding Acadian flycatchers in Blair Co.
Sep 1997	"Swallow Switcheroo"	May 1995	"Dumb Turkey?"
	Telling how tree swallows took the place of barn swallows on Marcia's mountain.		Relating Marcia's use of a turkey call that attracted a tom to approach her within five feet.
Jun 1997	"What Good Are Dandelions?"	Apr 1995	"Talon-Drop"
May 1997	Relating the uses of the common dandelion.  "Early Spring Butterflies"		Marcia's description of her watching the "talon- drop" display that red-tailed hawks perform to defend their territory or in courtship.
	Describing the mourning cloaks, Compton tortoise shells, spring azures, and cabbages.	Mar 1995	"Winter Song"
Apr 1997	"The Many Moods of March"		Marcia says that in the spring of 1995, bird song began on January 11 with the "peter-peter!" of a
	Noting that March is a tease, first slyly offering		tufted titmouse.
	up small doses of spring, then slamming back int winter over and over again.	Feb 1995	"Sharpie Days"
Mar 1997	"Brush Mountain Porkies"		Reporting on the changing migration patterns of sharp-shinned hawks.
	Describing the habits of porcupines.	Jan 1995	"Notes from Plummer's Hollow: January Robins"
Feb 1997	"Decline of the 'Winter Chippies'"	Jan 1993	Notes about sighting hundreds of robins every
	An essay on the American tree sparrow.		day no matter what the weather may be.
Nov 1996	"Raptor Days"  Telling about watching raptors over Sapsucker	Nov 1994	"Notes from Plummer's Hollow: Death of a Yearling"
Oct 1996	Ridge.  "Return of the Pinesaps"		Marcia asks what kind of a bear hunter shoots a 100-pound female yearling out of season?
00.1770	A short study of the mysterious pinesaps.	Oct 1994	"The Fine Art of Pishing"
Sep 1996	"The Great Awakening"		Telling how pishing can call in certain bird species.
	Ah, September!		·
May 1996	"Happiness Is"  Marcia says that happiness is a new pair of binoculars — 8×40 Nikon Talons.		

#### Wet Weather Fungus

n a beautiful, (and rare) dry June day, I spent some time with visiting Cub Scouts. As part of a discovery program at Canoe Creek State Park, we scavenged near Mary Ann's Creek for interesting things underfoot and overhead. Their task: to find a camouflage tree with "ornaments" hanging from its branches.

Thanks to rampant curiosity and, By Heidi Boyle I'm sure, a good deal of sugar consumed

during lunch, an eager youngster quickly noticed the camouflage-patterned bark on a nearby tree leaning over the water. The kids ooohed and aaahed over the bark, which on the upper limbs of the tree, looks like camouflage with peeling layers revealing shades of gray, green, and brown. One of the young scouts gave a shout as he noticed the tree with the so-called ornaments, which look like small balls hanging by a flexible twig. They had found the sycamore tree, a common resident of riparian areas. The ornaments are its seed pods. The kids scattered to find the pods on the ground and clustered around as we cut into one to investigate what was inside. The sycamore's seed pods are designed to float downstream - an effective agent of dispersal for a tree that often grows in the vicinity of streams and rivers.

While investigating the tree, a scout pointed out the lack of green leaves on it. In fact, the tree almost was bereft of any thing green. It had not produced the usual lush, green foliage present in other trees. The few leaves present were small, wrinkled, and brown. The stately sycamore indeed was a strange sight amid the verdant green of the forest.

This sycamore, as well as many statewide, was affected by sycamore anthracnose, otherwise known simply as "sycamore blight." Unfortunately, the blight has been relentless this spring; however, the blight seldom kills a tree.

Sycamore trees in our area have been hit hard by the anthracnose blight because of the wet (sopping, dripping, soaking) spring. The fungus, which thrives in cool, wet weather, attacks the leaves and twigs of the tree. Needless to say, it has been a banner year for the blight.

The fungus survives the winter in cankers, resembling small wounds, on twigs. It also lives in wet fallen leaves and twigs. In cool, wet weather the spores of the fungus develop quickly and prolif-

ically. The rain also helps distribute the spores by splashing onto nearby twigs, leaves, buds, and shoots. As it spreads,

the fungus infects and kills plant tissue.

If you keep an eye on sycamores in a wet spring, you can notice the new leaves turning brown and dying. It often resembles frost damage. As leaves gradually develop, most will show brown marks, or lesions, along veins or margins of the leaf. The fungus also can infect the leaf petiole and cause leaves to fall, even if no symptoms appear on the developing foliage. Fungal growth in twigs can cause cankers that interrupt water movement and lead to the death of the twig before the leaves emerge in the spring.

There are four stages, or levels, of infection of sycamore anthracnose. They are called leaf-, twig-, bud-, and shoot-blight. All four stages may be present on the same tree during a single season. A severely infected tree may be infected and defoliated several times in a single season. Branches may be girdled by the cankers and die completely. When this happens, many small shoots may be sent out just below the infection.

Anthracnose is hard to control because of the large size of most sycamores. Most native sycamores are not resistant to the blight. However, some oriental hybrids, such as Bloodgood, Columbia, and Liberty, have been found to be resistant. Only in small, planted trees can spraying control the spread of the fungus. Infected branches, twigs, and foliage can be pruned and destroyed — a recommended practice for ridding smaller sycamores of the blight. Fallen leaves and twigs also should be raked up and destroyed. These practices are designed to destroy the fungus that can otherwise overwinter in cankers and spread spores the following spring.

Some sources recommend a springtime spraying with a fungicide to protect expanding buds and leaves as the buds begin to swell and just start to break open. Of course, spraying is practical only for trees young and small enough to achieve good coverage, which is essential for effective control.

Because control practices work only with very small trees, most of our sycamores must tough it out, which might be difficult, as our summer continues to regularly provide more rain. Even as late as June 25<sup>th</sup>, while at a meeting at Shawnee State Park, in Schellsburg, I noticed their sycamores were almost leafless. What leaves were present were shriveled and brown. Now, less than a month later, at Canoe Creek State Park, our sycamores are well

on their way with green leaves. The leaves are smaller and the foliage appears less dense, but the trees now look healthy. Due to almost weekly rains, however, the effects of the blight still might make an appearance. If the weather dries up somewhat, the blight may lessen, but the sycamores may have significantly less foliage than in other years.

The sycamores at Canoe Creek are blending in nicely with the canopy now — the appearance of blight just a memory. During May and June, the bare spots in the canopy and withered leaves provided scouts and park visitors alike an opportunity to learn about camouflage, ornaments, and a connection between the wet spring and a rarely noticed fungal resident of our environment.

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