IDAPA 20 – IDAHO DEPARTMENT OF LANDS

Idaho Board of Scaling Practices

20.06.01 – Rules of the Idaho Board of Scaling Practices

Who does this rule apply to?

- Timberland owners
- Timber purchasers
- Forest products manufacturing facilities
- Logging contractors
- Log scalers

What is the purpose of this rule?
These rules constitute the levy of assessment, payment for logging and hauling, log brand registration and renewal, prize logs, licensing standards and renewals, methods of scaling forest products for commercial purposes, check scaling operations, and informal hearings.

What is the legal authority for the agency to promulgate this rule?
This rule implements the following statute passed by the Idaho Legislature:

Forestry, Forest Products and Stumpage Districts -
Log Scaling:

- Section 38-1208, Idaho Code – Adoption of Rules and Seal – Maintenance of Office – Hearings – Penalties for Contempt

Who do I contact for more information on this rule?

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000. LEGAL AUTHORITY.
In accordance with Section 38-1208, Idaho Code, the Board has the power to adopt and amend rules. (3-20-20)T

001. TITLE AND SCOPE.

01. Title. These rules are titled IDAPA 20.06.01, "Rules of the Idaho Board of Scaling Practices." (3-20-20)T

02. Scope. These rules constitute the levy of assessment, payment for logging and hauling, licensing standards and renewals, method of scaling forest products for commercial purposes, check scaling operations, and informal hearings. (3-20-20)T

002. INCORPORATION BY REFERENCE.

01. Incorporated Document. The "Idaho Log Scaling Manual," 2008 Edition, published by the Idaho Board of Scaling Practices is herein incorporated by reference. (3-20-20)T

02. Availability of Referenced Documents. The "Idaho Log Scaling Manual," 2008 Edition, is available on the Board's website at http://www.ibsp.idaho.gov/. (3-20-20)T

003. -- 009. (RESERVED)

010. DEFINITIONS.

01. Board. The Idaho Board of Scaling Practices. (3-20-20)T

02. Check Scaling. The comparison of scaling practices between a Board-appointed check scaler and any other scaler. (3-20-20)T

03. Combination Log. Any multiple-segment log involving more than one (1) product classification. (3-20-20)T

04. Complaint. A written statement alleging a violation of the Idaho Scaling Law, Title 38, Chapter 12, Idaho Code. (3-20-20)T

05. Complainant. A person or entity who submits a complaint to the Board. (3-20-20)T

06. Cubic Volume. A log rule that uses cubic feet as its basic unit of measure, determined on the basis of a mathematical formula. (3-20-20)T

07. Decimal "C." A log rule that uses tens of board feet as its basic unit of measure; one (1) decimal "C" equals ten (10) board feet. The Idaho Scribner decimal "C" volumes as listed in the Appendix of the "Idaho Log Scaling Manual." (3-20-20)T

08. Gross Scale. The log rule volume of timber products before deductions are made for defects. (3-20-20)T

09. Informal Hearing. Any hearing before the Board of Scaling Practices, as opposed to a formal hearing before a hearing officer designated by the Board. (3-20-20)T

10. Log Brands. A unique symbol or mark placed on or in forest products for the purpose of identifying ownership. (3-20-20)T

11. Net Scale. The remaining log rule volume of timber products after deductions are made for defects, based on the product classification that is used. (3-20-20)T

12. Official Seal. An official seal of the Idaho Board of Scaling Practices is hereby adopted. The seal must be round, of a diameter of at least one and one-half inches (1-1/2"), and so constructed that it may readily be imprinted on paper. (3-20-20)T

13. Prize Logs. As described in Section 38-809, Idaho Code. (3-20-20)T

14. **Product Classification**. Classification as sawlog, pulp log, or cedar products log for purposes of net scale determination or check scaling. (3-20-20)T

15. **Purchaser**. The principal individual, partnership, or corporation entitled to ownership at the first determination of scale for forest products harvested in Idaho. Purchaser also includes the owner of the timber as provided in Section 38-1209(b), Idaho Code. (3-20-20)T

16. **Requested Check Scale**. A check scale performed pursuant to Section 820 of these rules. (3-20-20)T

17. **Relicense Check Scale**. A check scale requested and scheduled in advance, by a licensed scaler, for purposes of license renewal. (3-20-20)T

18. **Routine Check Scale**. A check scale that is not a relicense, temporary permit, or requested check scale. (3-20-20)T

19. **Respondent**. The person or entity accused of violating the Idaho Scaling Law, Title 38, Chapter 12, Idaho Code. (3-20-20)T

20. **Temporary Permit Check Scale**. A check scale performed pursuant to provisions of Section 240 of these rules. (3-20-20)T

21. **Written Scaling Specifications**. A written document provided to the scaler that states the information necessary to scale logs in accordance with a contractual scaling agreement. (3-20-20)T

011. -- 049. (RESERVED)

050. ASSESSMENT.
In accordance with provisions of Section 38-1209, Idaho Code, the Board is authorized and directed to levy an assessment. (3-20-20)T

01. **Purchaser**. The purchaser, as defined in Subsection 010.15, pays the assessment levied by the Board. (3-20-20)T

02. **Assessment**. The assessment must be transmitted to the Board on or before the twentieth (20th) day of each month for all timber harvested during the previous month. Forms provided by the Board must be completed and submitted with the assessment. (3-20-20)T

03. **Weight**. On forest products harvested and purchased solely on the basis of weight, no levy of assessment is applicable. (3-20-20)T

051. -- 059. (RESERVED)

060. LOG BRANDS.
In accordance with the provisions of Section 38-808, Idaho Code, the Board is responsible for approval and registration of all log brands. (3-20-20)T

01. **Applications**. All applications for log brands or renewals must be submitted and approved prior to use. (3-20-20)T

02. **Fees**. Log brand registration, renewal, and transfer of ownership fees are twenty-five dollars ($25) for each log brand. (3-20-20)T

061. -- 069. (RESERVED)

070. PRIZE LOGS.

In accordance with provisions of Section 38-809, Idaho Code, the Board is responsible for the disposition of prize logs. (3-20-20)T

071. -- 099. (RESERVED)

100. PAYMENT FOR LOGGING OR HAULING.
Provisions of Section 38-1220(b), Idaho Code, govern payment for logging or hauling. (3-20-20)T

01. Gross Scale Determination. Gross scale is determined by the methodology stated in Chapter Two (2) of the "Idaho Log Scaling Manual." (3-20-20)T

02. Compliance with Gross Scale Determination. Notwithstanding the methodology criteria contained in the "Idaho Log Scaling Manual," compliance will be determined to have been met when check scale results on gross scale comparisons are within allowable standards of variation as provided in these rules. (3-20-20)T

101. -- 199. (RESERVED)

200. LICENSES.

01. Application Form. Application for a scaling license is made on a form prescribed and furnished by the Board. (3-20-20)T

02. Revocation or Suspension for Incompetency. If check scale results on three (3) occasions in any twelve (12) month period are found unacceptable based on standards of variation established under Section 810, the scaler's license may be revoked or suspended as provided in Section 38-1218, Idaho Code. (3-20-20)T

201. -- 219. (RESERVED)

220. APPRENTICESHIP CERTIFICATE.

01. General. Is issued at no charge to those individuals with no previous scaling experience who wish to practice scaling techniques in view of becoming a licensed scaler. (3-20-20)T

02. Procedure to Obtain Certificate. After submitting the application form, a candidate will be required to take the written examination. Upon passing the written examination, the Apprenticeship Certificate will then be issued. (3-20-20)T

03. Regulations Governing Use of Certificate. The apprentice is authorized to scale only under the direct supervision of a licensed scaler. The scale determined by the apprentice will, under no circumstances, be used as the sole basis for payment. (3-20-20)T

221. -- 239. (RESERVED)

240. TEMPORARY PERMIT.

01. General. Is issued for a period of time, not to exceed three (3) months, to individuals with previous scaling experience who need to scale for commercial purposes. (3-20-20)T

02. Procedure to Obtain. Submit the application form; remit the required twenty-five dollar ($25) fee; submit a letter from the employer requesting the temporary permit and identifying where the permittee would be scaling; take and pass the written portion of the scaler's examination, and demonstrate practical scaling abilities in the form of an acceptable check scale. (3-20-20)T

03. Regulations Governing Use of Temporary Permit. (3-20-20)T

a. Permits expire the date of the next practical examination in the area or three (3) months from the date of issuance, whichever comes first. The scale determined by the holder of a temporary permit may be used as a

basis for payment. (3-20-20)T

b. Should the holder of a temporary permit fail to appear to take the practical portion of the scaler's examination after being notified in writing of the time and place of said examination, the temporary permit will be canceled. (3-20-20)T

c. Temporary permits will not be issued to applicants or relicensees who have failed the practical examination two (2) or more times until thirty (30) days following the individual's last exam failure. (3-20-20)T

241. -- 259. (RESERVED)

260. SPECIALTY LICENSE.

01. General. Is issued to handle situations where the applicant would not be required to possess the exacting skills needed to scale sawlogs. (3-20-20)T

02. Procedure to Obtain. Submit the application form, remit the required twenty-five dollar ($25) fee, submit a letter from the employer describing scaling that would justify the issuance of a specialty license. and successfully complete the examination as may be devised by the Board. (3-20-20)T

03. Regulations Governing Use of Specialty License. The holder is only allowed to scale the products specified on the individual's license. (3-20-20)T

261. -- 279. (RESERVED)

280. STANDARD LICENSE.

01. General. Is issued to individuals who demonstrate competency in scaling principles and techniques. (3-20-20)T

02. Procedure to Obtain. Submit the application form, remit the required twenty-five dollar ($25) fee, and take and pass the examination as described under Section 300. (3-20-20)T

03. Regulations Governing Use of Standard License. The holder is qualified to scale all species and products. (3-20-20)T

281. -- 299. (RESERVED)

300. STANDARD LICENSE EXAMINATION.
To be taken by all persons applying for the standard license. (3-20-20)T

01. Written Examination. (3-20-20)T

a. Will be based upon Chapters 1, 2, and 3 of the "Idaho Log Scaling Manual." (3-20-20)T

b. Any score of seventy percent (70%) or better is a passing grade. (3-20-20)T

c. The written test must be taken and passed before the practical examination can be attempted. (3-20-20)T

02. Practical Examination. (3-20-20)T

a. The practical examination for a scaler's license will consist of scaling a minimum of not less than two hundred (200) logs with a net decimal "C" scale determination for sawlogs of not less than twenty thousand (20,000) board feet, or not less than fifteen thousand (15,000) board feet in the southeast Idaho area. (3-20-20)T

b. The logs will first be scaled by three (3) qualified check scalers, except the southeast Idaho area

will be two (2) or more qualified check scalers, and the agreed-upon results will be the basis for grading the examination. (3-20-20)T

c. To obtain a passing grade, a scaler must be within allowable limits of variation in the following categories:

CATEGORY		ALLOWABLE VARIATION
Gross Volume	For logs in round form	+/- 2.0%
	For logs in fractional or slab form	+/- 5.0%
Net Volume	Check scale percent of defect on logs checked	
	Up to 10	+/- 2.0%
	10.1 to 15	+/- 3.0%
	15.1 to 20	+/- 0.2% for each percent of defect
	Over 20	+/- 5.0%
	Species identification errors	3.0%

(3-20-20)T

301. -- 399. (RESERVED)

400. RENEWAL OF STANDARD AND SPECIALTY LICENSES.
For scalers who hold "Standard" and "Specialty" licenses, the process for renewal will consist of the following. (3-20-20)T

01. To Renew a License by the Expiration Date. Receive an acceptable check scale performed by a Board check scaler and pay renewal fee of twenty-five dollars ($25). (3-20-20)T

02. To Renew a License Within Two Years After The Expiration Date: (3-20-20)T

a. Request and receive an acceptable check scale performed by a Board check scaler. When the check scale is unacceptable, the individual is required to reapply for the standard license. (3-20-20)T

b. Pay renewal fee of twenty-five dollars ($25). (3-20-20)T

03. To Renew a License More Than Two Years After The Expiration Date. An individual is required to reapply for the standard license. (3-20-20)T

04. Option to a Check Scale for Standard License Renewal. A practical examination successfully completed may be used in-lieu-of a check scale for renewal. (3-20-20)T

05. Option to a Check Scale for Specialty License Renewal. An examination as may be devised by the Board may be used in-lieu-of a check scale for renewal of specialty licenses. (3-20-20)T

401. -- 499. (RESERVED)

500. METHOD OF SCALING FOREST PRODUCTS FOR COMMERCIAL PURPOSES.

01. Scribner Decimal "C". Log scaling by the Scribner decimal "C" method must be made according to scaling practices and procedures described in the "Idaho Log Scaling Manual" and Sections 501 through 504 of these rules. (3-20-20)T

02. Cubic Volume. Log scaling by a cubic volume method must be made according to scaling practices and procedures agreed upon in writing between parties to a scaling agreement. (3-20-20)T

03. Other Scaling Methods. Log scaling by any method other than Scribner decimal "C" or cubic volume will be considered and determined by the Board upon written request. (3-20-20)T

501. GROSS VOLUME CONVERSIONS.

01. Conversion to Gross Decimal "C" or Gross Cubic Volume. Gross volume measurement determined in a manner other than decimal "C" or cubic volume will be converted to an equivalent decimal "C" or cubic volume gross scale. (3-20-20)T

02. Conversion Factors. Measurement procedures and converting factors described in the Special Situations Measurement section, Chapter Two (2) of the "Idaho Log Scaling Manual," may be used to express decimal "C" board foot equivalents. (3-20-20)T

03. Other Conversion Factors. Measurement procedures and converting factors not listed in the "Idaho Log Scaling Manual" will be considered and determined by the Board upon written request. (3-20-20)T

502. GENERAL SCALING REQUIREMENTS.

01. Written Scaling Specifications. At any scaling site, licensed scalers will be provided with a written document that states the information necessary to scale logs in accordance with a contractual scaling agreement. (3-20-20)T

02. Recording Measurements on Scale Tickets. For each log scaled, scalers must record a combination of data from which both gross and net volume can be derived. This data includes scaling length and scaling diameter(s). (3-20-20)T

03. Load Identification. Scalers must ensure that all loads are readily identifiable upon completion of scaling. (3-20-20)T

503. GROSS DECIMAL "C" SCALE DETERMINATION.
Contractual scaling agreements relating to determination of Scribner decimal "C" gross scale may not establish any scaling requirement that differs from those stated in the "Idaho Log Scaling Manual" except for a minimum top diameter that may be smaller than five and fifty-one hundredths inches (5.51") actual measure. Licensed scalers will be provided with written scaling specifications that denote any minimum top diameter that is smaller than five and fifty-one hundredths inches (5.51") actual measure. (3-20-20)T

504. NET DECIMAL "C" SCALE DETERMINATION.
Contractual scaling agreements relating to determination of Scribner decimal "C" net scale may establish scaling requirements that differ from those stated in the "Idaho Log Scaling Manual." Licensed scalers will be provided with written scaling specifications that clearly describe any changes in net scale scaling practices. (3-20-20)T

505. -- 799. (RESERVED)

800. CHECK SCALING PROCEDURES.

01. Valid Check Scale. (3-20-20)T

a. Check scaling requires a minimum of fifty (50) logs containing a decimal "C" gross scale of at least ten thousand (10,000) board feet. When other methods of measurement are used, the check scaler will investigate the situation and determine the most logical method of check scaling. (3-20-20)T

b. Check scaling will be performed without scaler's knowledge, when possible. (3-20-20)T

c. Check scales are performed only on logs that are in the same position as presented to the scaler. (3-20-20)T

d. Check scales will not be performed if the logs are not spread adequately enough, in the check scaler's discretion, to allow for accurate scaling. If these conditions arise, the check scaler makes a written report describing the conditions and surrounding circumstances. The Board will make a decision as to the disposition of these conditions and direct the check scaler accordingly. (3-20-20)T

e. The check scaler must use the written scaling specifications that have been provided to the scaler. In the absence or omission of written scaling specifications, logs will be check scaled according to scaling methodology stated within the "Idaho Log Scaling Manual." (3-20-20)T

02. Cooperative Scaling. Cooperative scaling involves two (2) scalers, using different scaling specifications, working together to determine the log scale volume. In these instances, each scaler is individually responsible for the scale recorded. (3-20-20)T

03. Team Scaling. Team scaling is two (2) scalers, using the same scaling specifications, working together to determine the log scale volume. In these instances, both scalers are responsible for the scale recorded, except that if one (1) of the individuals is an apprentice scaler, the licensed scaler is responsible for the scale recorded. (3-20-20)T

04. Holding Check Scale Log Loads. All log loads involved in an unacceptable check scale will be held at the point of the check scale until such time as the logs have been reviewed with the scaler, or for a period up to forty-eight (48) hours. (3-20-20)T

a. During this period the load(s) may not be moved or tampered with in any way. (3-20-20)T

b. The Board's check scaler will mark all loads that must be held, and notify the scaler and landing supervisors respectively. (3-20-20)T

801. -- 809. (RESERVED)

810. CHECK SCALING STANDARDS OF VARIATION.

01. Allowable Limits of Variation. To determine a check scale as acceptable or unacceptable for Board consideration, and when the method of measurement is the Coconino Scribner decimal C log rule, a scaler must be within allowable limits of variation in the following categories:

CATEGORY		ALLOWABLE VARIATION
Gross Volume	For logs in round form	+/- 2.0 percent
	For logs in fractional or slab form	+/- 5.0 percent
Net Volume	Sawlogs: Check scale percent of defect on logs checked	
	Up to 10	+/- 2.0 percent
	10.1 to 15	+/- 3.0 percent
	15.1 to 20	+/- 0.2 percent for each percent of defect
	Over 20	+/- 5.0 percent
	Pulp Logs	+/- 5.0 percent
	Cedar Product Logs	+/- 8.0 percent
	Species Identification Errors	3.0 percent
	Product Classification Errors	3.0 percent

(3-20-20)T

02. Combination Logs. For purposes of determining product classification errors, combination logs are counted as one-half (1/2), one-third (1/3), one-fourth (1/4) -- depending on the number of scaling segments -- to arrive at a piece or log count variation. Combination logs will be considered only when provided for in a contractual scaling agreement or written scaling specifications. (3-20-20)T

03. Check Scales Involving Multiple Variations. Some check scales will involve more than one (1) parameter of variation. The overall allowable limit of variation to determine acceptability or unacceptability of the total gross or net scales is determined by the following formula:

OAV	=	$\frac{(a \times E) + (b \times E) + (c \times F)}{(D + E + F)}$
OAV	=	overall allowable percentage variation
A	=	allowable percentage variation for gross/net sawlog scale
B	=	allowable percentage variation for gross/net pulp log scale
C	=	allowable percentage variation for gross/net cedar products scale
D	=	check scaler's gross/net sawlog scale
E	=	check scaler's gross/net pulp log scale
F	=	check scaler's gross/net cedar products log scale

(3-20-20)T

811. -- 819. (RESERVED)

820. REQUESTED CHECK SCALE.
A check scale may be performed upon request of any individual, company, or corporation. (3-20-20)T

01. Submission of Request. (3-20-20)T

a. The request must be in writing and approved by the Board's executive director. (3-20-20)T

b. The request must be made by a party directly affected and involve disputes on scaling. (3-20-20)T

02. Cost of a Requested Check Scale. The fee is two hundred dollars ($200) for each day, or part of a day, that the check scaler is scaling the logs. (3-20-20)T

821. -- 829. (RESERVED)

830. CHECK SCALE REPORT.

01. Check Scale Results. The check scaler will make a report of his findings to the Board. (3-20-20)T

02. Persons Entitled to a Copy of the Check Scale Report. (3-20-20)T

a. Persons directly affected and entitled to a copy of the check scale report on temporary permits and relicensure check scales are the scaler and the scaler's employer(s). (3-20-20)T

b. Persons directly affected and entitled to a copy of the check scale report on routine and requested check scales include the scaler, the scaler's employer(s), the scaler's supervisor(s), the logging contractor(s), or other persons directly affected by the check scale report as determined by the Board's executive director. (3-20-20)T

831. -- 909. (RESERVED)

910. INFORMAL HEARINGS -- SCOPE AND AUTHORITY.

Sections 910 through 980 apply to all informal hearings before the Board. These rules are adopted pursuant to Sections 38-1208 and 67-5201, et seq., Idaho Code, and are intended to facilitate the Board in executing its duties and responsibilities under Title 38, Chapter 12, Idaho Code. These rules are construed to effectuate the intent of the legislature in adopting the Idaho Scaling Law in a reasonable, fair and expeditious manner. (3-20-20)T

911. -- 919. (RESERVED)

920. COMPLAINTS.

01. Submittal of Complaint. Is submitted in writing in the name of the primary complainant. (3-20-20)T

02. Contents of Complaint. Must state: (3-20-20)T

a. The name and address of the person or entity actually aggrieved; (3-20-20)T

b. A short and plain statement of the nature of the complaint, including the location and date of the alleged violation; (3-20-20)T

c. The complainant's notarized signature; (3-20-20)T

d. The complainant must submit written or documentary evidence in support of the alleged violation; and (3-20-20)T

e. In the case of a gross scale complaint, which alleges violations of Section 38-1220(b), Idaho Code, the complainant must also provide a readable copy of the contract, payment slips, and scale tickets for each transaction involved in the alleged complaint. (3-20-20)T

921. -- 929. (RESERVED).

930. RESPONSE TO COMPLAINT.

01. Response. The respondent must submit to the Board a written response to the allegations of the complaint, with supporting evidence, within thirty (30) days after receiving a copy of the same from the Board. The Board will presume that the respondent received such complaint and evidence within three (3) days after mailing by the Board, unless the respondent submits evidence to the contrary to the Board. (3-20-20)T

02. Consideration of Complaint. The Board will consider a complaint in its next meeting following the timely response of the respondent or the respondent's failure to respond within the time limit of Subsection 930.01. (3-20-20)T

931. ACCESS TO RECORDS.
The Board will provide to the respondent or his counsel a copy of the complaint and any supporting evidence to which the respondent does not have access, at the earliest date after the Board has received the same. The Board will provide the complainant or his counsel a copy of any answer or response and supporting evidence thereof to which the complainant does not have access, at the earliest date after the Board has received the same. (3-20-20)T

932. -- 939. (RESERVED).

940. CONDUCT OF INFORMAL HEARINGS.

01. Hearing Procedure. The chairman of the Board will minimize, where possible, the use or application of formal court rules of procedure and evidence in the spirit of an informal hearing consistent with the intent of these rules, fairness to the parties, and the interests of justice. (3-20-20)T

02. Statements. The complainant and the respondent may make a brief statement concerning the allegation(s) and may introduce new evidence in support of or in opposition to the allegation(s). Statements must be

concise, specific, relevant to the allegation(s), and limited to ten (10) minutes per party, unless the specific allegation(s) as determined by the chairman clearly requires greater time to address the same. (3-20-20)T

03. Questions Directed to the Board. All questions at the hearing are directed to the Board. The Board will consider written or oral questions from the complainant or respondent at the hearing or take such questions under advisement. (3-20-20)T

04. Questions Asked by the Board. Only the Board may ask questions of the complainant or respondent and may call witnesses. (3-20-20)T

05. Representation by Counsel. The complainant and the respondent may be represented by counsel. (3-20-20)T

941. -- 949. (RESERVED)

950. TIME FOR BOARD DETERMINATION.
After submission of the complaint and supporting documentation for evidence in accord with Section 930, and after an informal hearing on a complaint wherein the parties have had opportunity to respond to these allegations and to present testimony, documentation, or other evidence thereon in accord with Section 940, the Board may thereafter make its determination or take the matter under advisement and reach its determination within thirty (30) days. (3-20-20)T

951. -- 959. (RESERVED).

960. FINAL DETERMINATION.
The Board's determination is final, subject to appeal pursuant to Title 67, Chapter 52, Idaho Code. (3-20-20)T

961. -- 969. (RESERVED).

970. BOARD ACTION UPON DETERMINATION OF PROBABLE VIOLATION.
In the event that the Board determines that the complaint and supporting evidence indicate a probable violation of the Idaho Scaling Law, the Board will, within thirty (30) days after that determination, transmit the complaint and supporting documentation to the prosecutor of the county where the violation occurred. (3-20-20)T

971. -- 999. (RESERVED).

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