

**IDAPA 20 – IDAHO DEPARTMENT OF LANDS
IDAHO BOARD OF SCALING PRACTICES**

20.06.01 – RULES OF THE IDAHO BOARD OF SCALING PRACTICES

DOCKET NO. 20-0601-2101 (NEW CHAPTER, FEE RULE)

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Sections 38-1208 and 38-1220, Idaho Code.

PUBLIC HEARING SCHEDULE: A public hearing concerning this rulemaking will be held as follows:

Wednesday, September 15, 2021 – 10:00 a.m. (PT)
Idaho Department of Lands Louise Shadduck Building Sundance Conference Room 3284 West Industrial Loop Coeur d’Alene, ID 83815
To attend by Zoom: https://idl.zoom.us/j/83863508799?pwd=SDIvUkpMQjBEREF6Wkk5QnBFenFzUT09
To attend by telephone call: 1 (253) 215 8782 Meeting ID: 838 6350 8799, Passcode: 479216

The hearing site will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The Idaho Board of Scaling Practices is proposing adoption of a new cubic log scaling manual to give another option as to how logs are scaled. The new cubic manual would be an alternative to the current “Idaho Log Scaling Manual” and is not meant as a replacement. Current rules of the Idaho Board of Scaling Practices allow for cubic log scaling; however, the Scaling Board does not have a cubic scaling manual that establishes the rules and procedures for cubic log scaling. This rulemaking is needed to maintain a consistent cubic scale volume anywhere within the state should parties elect to scale in cubic volume. By adopting the “Idaho Cubic Log Scaling Manual,” this rulemaking would ensure that both Scribner and cubic scaling methods are compliant with the current rules as established by the Idaho Board of Scaling Practices.

Following Executive Order 2020-01, Zero-Based Regulation, this rule chapter is scheduled to be repealed and replaced in 2021 for review during the 2022 legislative session. This proposed rulemaking removes words and restrictions, wherever possible, to decrease the total word count and reduce the overall regulatory burden.

FEE SUMMARY: Following are the previously approved and codified fees that have not changed: scaling assessment fee paid to a dedicated scaling account for all scaled timber harvested within the state of Idaho; administrative fees for registration, renewal, and transfer of log brands; fees for testing and issuance of a temporary scaling permit, specialty scaling license, and standard scaling license; fee to renew a specialty or standard scaling license; and fee for a requested check scale involving a scaling dispute. These fees are being imposed pursuant to Section 38-1209, Idaho Code.

This rulemaking does not change any of the fees imposed.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year as a result of this rulemaking:

These rules will have no impact on the state general fund.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules – Negotiated Rulemaking was published in the March 3, 2021, Idaho Administrative Bulletin, Vol. 21-3, pages 31-32.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The Idaho Log Scaling Manual and the Idaho Cubic Log Scaling Manual contain the rules and procedures used to scale logs in the state of Idaho. These rules and procedures vary from other states and are not available elsewhere.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the proposed rule, contact Russ Hogan at (208) 769-1445.

SUBMISSION OF WRITTEN COMMENTS: Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before September 22, 2021.

DATED this 30th day of July, 2021.

Russ Hogan, Executive Director
Idaho Board of Scaling Practices
3284 W Industrial Loop
Coeur d’Alene, ID 83815
Phone: (208) 769-1445
Fax: (208) 765-1524
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THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 20-0601-2101
(New Chapter – Zero-Based Regulation Rulemaking)

20.06.01 – RULES OF THE IDAHO BOARD OF SCALING PRACTICES

000. LEGAL AUTHORITY.

In accordance with Section 38-1208 and Title 67, Chapter 52, Idaho Code, the Board has the power to adopt and amend rules. ()

001. SCOPE.

These rules govern the assessments, payment for logging and hauling, licensing standards and renewals, method of scaling forest products for commercial purposes, and check scaling operations. ()

002. INCORPORATION BY REFERENCE.

The following documents are incorporated by reference herein: ()

01. Idaho Log Scaling Manual, 2008 Edition. Published by the Idaho Board of Scaling Practices and available on the Board’s website at <http://www.ibsp.idaho.gov/>. ()

02. Idaho Cubic Log Scaling Manual, 2020 Edition. Published by the Idaho Board of Scaling Practices and available on the Board’s website at <http://www.ibsp.idaho.gov/>. ()

003. -- 009. (RESERVED)

010. DEFINITIONS.

01. Board. The Idaho Board of Scaling Practices. ()

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

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

04. Cubic Volume. A log rule that uses the Smalian formula as its basic unit of measure, determined on the basis of a mathematical formula, rounded to one tenth a cubic foot. The Smalian cubic foot volumes are listed in the “Idaho Cubic Log Scaling Manual” Appendix. ()

05. 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” and the “Idaho Cubic Log Scaling Manual.” ()

06. Gross Scale. The log rule volume of timber products before deductions are made for defects. ()

07. Log Brands. A unique symbol or mark placed on or in forest products to identify ownership. ()

08. Net Scale. The remaining log rule volume of timber products after deductions are made for defects, based on product classification. ()

09. Product Classification. Classification as sawlog, pulp log, or cedar products log for purposes of net scale determination or check scaling. ()

10. Purchaser. The principal individual, partnership, or corporation entitled to ownership at the first determination of scale for forest products harvested in Idaho. ()

11. Requested Check Scale. A check scale performed pursuant to Section 820 of these rules. ()

12. Relicense Check Scale. A check scale requested and scheduled in advance, by a licensed scaler, for purposes of license renewal. ()

13. Routine Check Scale. A check scale that is not a relicense, temporary permit, or requested check scale. ()

14. Temporary Permit Check Scale. A check scale performed pursuant to Section 240 of these rules. ()

15. 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. ()

011. -- 049. (RESERVED)

050. ASSESSMENT.

In accordance with Section 38-1209, Idaho Code, the Board is authorized and directed to levy an assessment. ()

01. Purchaser. The purchaser pays the assessment levied by the Board. ()

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. ()

03. Weight. There is no assessment on forest products harvested and purchased solely on the basis of weight. ()

051. -- 099. (RESERVED)

100. PAYMENT FOR LOGGING OR HAULING.

Provisions of Section 38-1220(b), Idaho Code, govern payment for logging or hauling. ()

01. Gross Scale Determination. Gross scale is determined by the methodology stated in Chapter Two (2) of the "Idaho Log Scaling Manual" or the "Idaho Cubic Log Scaling manual." ()

02. Compliance with Gross Scale Determination. Notwithstanding the methodology contained in the "Idaho Log Scaling Manual," or the "Idaho Cubic Log Scaling Manual," compliance is met when check scale results on gross scale comparisons are within allowable standards of variation as provided in these rules. ()

101. -- 199. (RESERVED)

200. LICENSES.

01. Application Form. Application for a scaling license is made on a form provided by the Board. ()

02. Revocation or Suspension for Incompetency. If check scale results on three (3) occasions in any twelve (12) month period are 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. ()

201. -- 219. (RESERVED)

220. APPRENTICESHIP CERTIFICATE.

01. Procedure to Obtain Certificate. After submitting the application form, an apprentice candidate must take the written examination. Upon passing the written examination, the Apprenticeship Certificate will then be issued at no charge. ()

02. Regulations Governing Use of Certificate. The apprentice may scale only under the direct supervision of a licensed scaler. The scale determined by the apprentice may not be used as the sole basis for payment. ()

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. ()

02. Procedure to Obtain. Submit the application form; remit a 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 through an

acceptable check scale. ()

03. Regulations Governing Use of Temporary Permit. ()

a. Permits expire at the next practical examination date or three (3) months from the date of issuance, whichever comes first. The scale determined by a temporary permittee may be used as a basis for payment. ()

b. Should a temporary permittee fail 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. ()

c. Temporary permits will not be issued to anyone who has failed the practical examination two (2) or more times, until thirty (30) days following the individual's last exam failure. ()

241. -- 259. (RESERVED)

260. SPECIALTY LICENSE.

01. General. Is issued where the applicant is not required to possess the exacting skills needed to scale sawlogs. ()

02. Procedure to Obtain. Submit the application form, a twenty-five dollar (\$25) fee, a letter from the employer describing the justification for issuance of a specialty license, and successfully complete the examination. ()

03. Regulations Governing Use of Specialty License. The holder may scale only the products specified on the individual's license. ()

261. -- 279. (RESERVED)

280. STANDARD LICENSE.

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

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. ()

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

281. -- 299. (RESERVED)

300. STANDARD LICENSE EXAMINATION.

To be taken by all persons applying for the standard license. ()

01. Written Examination. ()

a. Based upon Chapters 1, 2, and 3 of the "Idaho Log Scaling Manual." ()

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

c. The written test must be taken and passed before the practical examination is attempted. ()

02. Practical Examination. ()

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. ()

b. The logs will first be scaled by three (3) qualified check scalers, or two (2) or more qualified check scalers in the southeast Idaho area, and the agreed-upon results will be the basis for grading the examination. ()

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%

()

301. -- 399. (RESERVED)

400. RENEWAL OF STANDARD AND SPECIALTY LICENSES.

For scalers who hold “Standard” and “Specialty” licenses, the renewal process is as follows. ()

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). ()

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

a. Receive an acceptable check scale performed by a Board check scaler. If the check scale is unacceptable, the individual must reapply for the standard license. ()

b. Pay renewal fee of twenty-five dollars (\$25). ()

03. To Renew a License More Than Two Years After The Expiration Date. An individual must reapply for the standard license. ()

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

05. Option to a Check Scale for Specialty License Renewal. An examination set by the Board may be used in-lieu-of a check scale for specialty license renewal. ()

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” or the “Idaho Cubic Log Scaling Manual” and Sections 501 through 504 of these rules. ()

02. Cubic Volume. Log scaling by a cubic volume method must be made according to scaling

practices and procedures described in the “Idaho Cubic Log Scaling Manual” and Sections 501 through 504 of these rules. ()

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. ()

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. ()

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. ()

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. ()

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. ()

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). ()

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

503. GROSS SCALE DETERMINATION.

Contractual scaling agreements regarding gross scale determination may not establish any scaling requirement that differs from those stated in the “Idaho Log Scaling Manual” or the “Idaho Cubic 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. ()

504. NET DECIMAL “C” SCALE DETERMINATION.

Contractual scaling agreements regarding net scale determination may establish scaling requirements that differ from those stated in the “Idaho Log Scaling Manual” or the “Idaho Cubic Log Scaling Manual.” Licensed scalers will be provided with written scaling specifications that clearly describe any changes in net scale scaling practices. ()

505. -- 799. (RESERVED)

800. CHECK SCALING PROCEDURES.

01. Valid Check Scale. ()

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. ()

b. Check scaling will be performed without scaler’s knowledge, when possible. ()

c. Check scales are performed only on logs that are in the same position as presented to the scaler.

()

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 must provide 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. ()

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” or the “Idaho Cubic Log Scaling Manual.” ()

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. ()

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. ()

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 the logs have been reviewed with the scaler, or for a period up to forty-eight (48) hours. ()

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

b. The Board’s check scaler will mark all loads that must be held, and notify the scaler and landing supervisors. ()

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	Check scale percent of defect on logs checked	
	Sawlogs	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

()

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. ()

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

()

811. -- 819. (RESERVED)

820. REQUESTED CHECK SCALE.

A check scale may be performed upon request of any individual, company, or corporation. ()

01. Submission of Request. ()

a. The request must be in writing and approved by the Board's executive director. ()

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

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. ()

821. -- 829. (RESERVED)

830. CHECK SCALE REPORT.

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

02. Persons Entitled to a Copy of the Check Scale Report. ()

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). ()

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. ()

831. -- 919. (RESERVED)

920. COMPLAINTS.

- 01. Submittal of Complaint.** Is submitted in writing in the name of the primary complainant. ()
- 02. Contents of Complaint.** Must state: ()
 - a.** The name and address of the person or entity actually aggrieved; ()
 - b.** A short and plain statement of the nature of the complaint, including the location and date of the alleged violation; ()
 - c.** The complainant's notarized signature; ()
 - d.** The complainant must submit written or documentary evidence in support of the alleged violation; and ()
 - 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. ()

921. -- 999. (RESERVED).