

**WAC 25-46-160 Right of first refusal to permit upon registration.** (1) Any person, firm, corporation, institution, or agency that discovers and registers a previously unreported historic archaeological resource abandoned on, in, or under state-owned aquatic lands with the department shall have a right of first refusal to future excavation and recovery permits granted for the recovery of that resource subject to the provisions of chapter 27.53 RCW and chapter 25-48 WAC.

(2) Such right of first refusal shall exist for five years from the date of registration by the department. Such rights may be assigned, but it is the responsibility of the parties to the assignment to provide written evidence of the assignment to the department, including the correct name and mailing address of the assignee.

(3) Should another person, firm, corporation, institution, or agency apply for a permit to excavate or remove that resource or portions thereof, the person, firm, corporation, institution, or agency that registered the resource shall have sixty days from the receipt of notice to submit its own permit application and thereby exercise its first refusal right, or the right shall be extinguished.

(4) If the person, firm, corporation, institution, or agency that registered the resource does not exercise its first refusal right within sixty days of the receipt of notice, the department shall send to that entity a notice by certified mail, return receipt requested, that that entity's right of first refusal has been extinguished.

(5) If the entity that registered the historic archaeological resource does not exercise its right of first refusal within five years of the issuance of the registration acceptance the right lapses.

[Statutory Authority: RCW 27.53.030, [27.53.]060 and 1988 c 124 §§ 1, 3, 5, 6, 7 and 10. WSR 88-23-005 (Order 88-07), § 25-46-160, filed 11/4/88.]