

**WAC 25-48-108 Right of first refusal—Discovery of new technology.** (1) Any person that has been denied a permit because the historic archaeological resource would be destroyed beyond mitigation by its method of salvage shall have the right of first refusal for a permit at a future date should technology be found which would make salvage possible without destroying the historic archaeological resource.

(2) 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) Upon receipt of a complete permit application and determination that a new technology can salvage the resource, the department shall notify by certified mail, return receipt requested, the holder of the right of first refusal of a permit application that a new technology exists and the holder has sixty days from the receipt of the department's determination to submit its own permit application and thereby exercise its first refusal right, or the right shall be extinguished.

(4) If the person that possesses the first refusal right for a permit does not exercise its first refusal right within the sixty-day time period, the department shall send to that person a notice by certified mail, return receipt requested, that the person's right of first refusal has been extinguished.

[Statutory Authority: RCW 27.34.220, 27.53.140, 43.21C.120. WSR 06-06-001, § 25-48-108, filed 2/15/06, effective 3/18/06. Statutory Authority: RCW 27.53.030, [27.53.]060, [27.53.]080 and 1988 c 124 §§ 1, 3, 5, 6 and 7. WSR 88-23-004 (Order 88-06), § 25-48-108, filed 11/4/88.]