WEST VIRGINIA CODE: §5b-14-3

§5B-14-3. Definitions.

As used in this article:

"Extraction" means the mining, removal, production, or recovery of a strategic and critical resource by a person lawfully entitled to do so;

"Strategic and critical resource" means any of the following items, to the extent intended to be or actually extracted, mined, withdrawn, removed, harvested, or produced from within or upon land, including, but not limited to:

(1) Aluminum, aluminum oxide fused crude, antimony, arsenic, barite, beryllium, beryl ore, bismuth, boron, cadmium, cerium, cesium, chromium, cobalt, copper, dysprosium, erbium, europium, ferrochromium, ferromanganese, fluorine, fluorspar, gadolinium, gallium, germanium, graphite, hafnium, holmium, indium, iridium, lanthanum, lead, lithium, lutetium, magnesium, manganese, mercury, molybdenum, neodymium, nickel, niobium, palladium, phosphate, platinum, potash, praseodymium, rhenium, rhodium, rubber (natural), rubidium, ruthenium, samarium, scandium, selenium, silicon, silver, strontium, tantalum, tellurium, terbium, thulium, tin, titanium, tungsten, uranium, vanadium, ytterbium, yttrium, zinc, and zirconium;

(2) Any other mineral, element, compound, substance, or material listed on, or designated after, January 1, 2025, pursuant to:

(A) The U.S. Defense Logistics Agency Strategic Materials List;

(B) The U.S. Department of Energy Critical Materials List;

(C) The Defense Production Act of 1950 (50 U.S.C. § 4501 *et seq.*);

(D) The Energy Act of 2020 (30 U.S.C. § 1606); or

(E) U.S. Geological Survey List of Critical Minerals.

(3) Any other mineral, element, compound, substance, or material with respect to which the President of the United States makes a presidential determination or executive order after January 1, 2025, specifying that item as essential to the national defense pursuant to Section 303(a)(5) of the federal Defense Production Act of 1950, as amended (50 U.S.C. § 4533(a)(5)); and

(4) Any host material from which a strategic or critical resource is intended to be economically recovered as a byproduct; and

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"Strategic and critical resource facility" means land, structures, equipment, or infrastructure reasonably necessary for the extraction or processing of a strategic and critical resource.

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