

115TH CONGRESS  
2D SESSION

# H. R. 6354

To amend the Endangered Species Act of 1973 to prohibit designation as critical habitat of certain areas in artificial water diversion or delivery facilities.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 12, 2018

Mr. GOSAR (for himself, Mr. ABRAHAM, Mr. BANKS of Indiana, Mr. BIGGS, Mr. BISHOP of Utah, Mr. CRAMER, Mr. DUNCAN of South Carolina, Mr. LAMALFA, Mr. LUETKEMEYER, Mr. MARSHALL, Mr. NEWHOUSE, Mrs. NOEM, Mr. NORMAN, Mr. ESTES of Kansas, Mr. GOHMERT, and Mr. McCLINTOCK) introduced the following bill; which was referred to the Committee on Natural Resources

---

## A BILL

To amend the Endangered Species Act of 1973 to prohibit designation as critical habitat of certain areas in artificial water diversion or delivery facilities.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Takings On Re-  
5 serves Antithetical to Germane Encapsulation Act of  
6 2018” or the “STORAGE Act of 2018”.

1 **SEC. 2. PROHIBITION OF DESIGNATION OF CERTAIN HABI-**  
2 **TAT IN AN ARTIFICIAL WATER DELIVERY OR**  
3 **STORAGE FACILITY AS CRITICAL HABITAT.**

4 Section 4(a)(3) of the Endangered Species Act of  
5 1973 (16 U.S.C. 1533(a)(3)) is amended by adding at the  
6 end the following:

7 “(C) The Secretary shall not designate as critical  
8 habitat any area in a water storage reservoir, water diver-  
9 sion structure, canal, or other water storage, diversion, or  
10 delivery facility, where habitat is periodically created and  
11 destroyed as a result of changes in water levels caused  
12 by the operation of such facility.”.

○