



Spencer J. Cox

Governor

**EXECUTIVE ORDER  
2023-02**

*Directing the Utah Division of Forestry, Fire, and State Lands to Raise the Great Salt Lake Causeway Berm*

**WHEREAS**, the Great Salt Lake is owned and managed by the state of Utah as sovereign land held in trust for the public;

**WHEREAS**, the Great Salt Lake is of regional and hemispheric biological importance due to its role as a major North American migratory bird flyway, as vital shorebird breeding habitat, and due to its size and influence on the climate and ecology;

**WHEREAS**, when the surface level elevation of the Great Salt Lake is low, the Great Salt Lake ecosystem is at grave risk – migratory and shorebirds are vulnerable, wetlands are jeopardized, wildlife habitat decreases, recreation access and opportunities are minimized, search and rescue efforts become more challenging, and mineral extraction is impacted;

**WHEREAS**, the Great Salt Lake reached a historically low surface level elevation of 4,188.5 feet on Nov. 3, 2022;

**WHEREAS**, low lake levels are causing a significant increase in salinity creating an unsustainable environment for the Great Salt Lake ecosystem, including an unsustainable environment for brine shrimp, the keystone species of the Great Salt Lake;

**WHEREAS**, there exists a Union Pacific Railroad Causeway that bisects the Great Salt Lake into what is referred to as the North Arm and South Arm;

**WHEREAS**, within the Union Pacific Railroad Causeway there is an opening and water flow control berm (“berm”) managed by the Utah Division of Forestry, Fire, and State Lands (“Division”);

**WHEREAS**, the berm is currently set at 4,187 feet;

**WHEREAS**, high levels of precipitation since Nov. 3, 2022, have increased the lake level to a surface level elevation of 4,189.7 feet as of Jan. 26, 2023, and higher than normal levels of snowpack have the potential of further increasing the lake level through spring runoff;

**WHEREAS**, the three major tributaries (Jordan River, Bear River, and Weber River) of the Great Salt Lake flow into the South Arm;

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**WHEREAS**, capturing spring runoff will increase the lake level and improve salinity levels in the South Arm of the lake;

**WHEREAS**, the current height of the berm is insufficient to capture continued precipitation and spring runoff in the South Arm of the lake;

**NOW, THEREFORE**, I, Spencer J. Cox, governor of the state of Utah, by the authority vested in me by the Constitution and laws of this state, hereby order the following:

1. The Division shall increase the berm height to 4,192 feet pursuant to the authority granted to the Division by Title 65A of the Utah Code in order to increase the overall depth and decrease the salinity of the South Arm of the Great Salt Lake.
2. The Department of Natural Resources and the Department of Environmental Quality shall immediately coordinate and prepare a berm management plan and put the plan in place as soon as reasonably possible. The berm management plan shall, among other things, establish a process for future adjustments to berm height.
3. The height increase in Paragraph 1 shall temporarily remain in place until the Division adopts and implements the berm management plan, at which time the berm management plan shall control future adjustments to berm height.

**THIS ORDER** is effective immediately and shall expire upon adoption and implementation of the berm management plan.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 3<sup>rd</sup> day of February, 2023.



A handwritten signature in black ink, appearing to read 'Spencer J. Cox'.

Spencer J. Cox  
Governor, State of Utah

A handwritten signature in black ink, appearing to read 'Deidre M. Henderson'.

Deidre M. Henderson  
Lieutenant Governor, State of Utah

ATTEST: