

STATE OF INDIANA

EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER _____ 26-22 _____

**FOR: SUPPLEMENTING EXECUTIVE ORDER 26-21 AND TEMPORARILY
SUSPENDING CERTAIN FLOODWAY PERMIT REQUIREMENTS TO
FACILITATE EMERGENCY REPAIRS**

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, Indiana Code § 10-14-3-12 authorizes the Governor to declare a disaster emergency by executive order and, during the emergency, to suspend regulatory statutes prescribing procedures for the conduct of state business, and the orders, rules, or regulations of a state agency, when strict compliance would prevent, hinder, or delay action necessary to cope with the emergency;

WHEREAS, on August 13, 2026, I signed Executive Order 26-21, declaring a statewide disaster emergency due to widespread and severe damage across Indiana caused by flooding, severe weather, tornadic activity, and a derecho beginning on August 11, 2026, and continuing through August 12, 2026;

WHEREAS, during the period beginning August 6, 2026, and ending August 14, 2026, the National Weather Service issued or continued Flood Warnings and Flash Flood Warnings affecting numerous Indiana counties;

WHEREAS, flooding and severe weather have damaged or threatened roads, bridges, culverts, and stream banks, and have created conditions requiring prompt action by state agencies, local governments, utilities, property owners, and emergency responders to protect life and property and restore essential infrastructure;

WHEREAS, the Department of Natural Resources (“DNR”) ordinarily requires an individual floodway permit or license before certain construction, obstruction, deposit, or excavation may begin in or on a floodway;

WHEREAS, strict compliance with the individual application and preconstruction approval procedures for emergency road, bridge, culvert, and stream-bank repairs may prevent, hinder, or delay actions necessary to cope with the disaster emergency;

WHEREAS, temporary and narrowly tailored relief from those procedures, subject to conditions protecting floodway capacity, public safety, and fish, wildlife, and botanical resources, is necessary and appropriate under the circumstances; and

WHEREAS, additional actions and orders are necessary and appropriate under the circumstances, to be taken promptly as more particularly described below.

NOW, THEREFORE, I, MIKE BRAUN, by virtue of the authority vested in me as the Governor of the State of Indiana, do hereby order:

1. DNR shall temporarily allow for the emergency repair or reconstruction of roads, bridges and culvert crossings, and the stabilization and repair of unstable streambanks prior to obtaining approval. Specifically, except as provided below, the following requirements are temporarily suspended in compliance with this Executive Order:

- a. the requirements in Indiana Code § 14-28-1-22(c), (d), and (e) to submit an individual permit application, application materials, ownership documentation, and an application fee before Covered Work begins;
 - b. the requirement in Indiana Code § 14-28-1-22(h) that a person receive an individual permit from the Director before beginning Covered Work; and
 - c. the provisions of 312 IAC 10 that require an individual floodway permit or license application, notice, review, or approval before Covered Work begins.
2. The above listed statutes and regulation continue to apply to work done in either of the following locations:
 - a. a salmonid stream designated under Indiana Code § 14-25-15-7(b), unless the Department's Division of Fish and Wildlife gives prior written consent; or
 - b. a natural, scenic, or recreational river or stream designated under 312 IAC 7-2.
3. DNR shall cooperate with state agencies, local jurisdictions and affected property owners to facilitate the emergency repair or construction of roads, bridges and culvert crossings, and the stabilization and repair of unstable streambanks that threaten infrastructure or access to property.
4. DNR shall promptly promulgate provisional rules to carry out this emergency authorization, including requirements for:
 - a. the method for submitting post-completion documentation;
 - b. inspections of work covered by this Executive Order;
 - c. additional information reasonably necessary from the project owner to verify compliance with relevant state and federal law;
 - d. direct corrective action; and
 - e. determinations that a project is not eligible for relief under this Executive Order.
5. This Executive Order shall be construed narrowly to facilitate emergency recovery while preserving the flood-carrying capacity of Indiana waterways and protecting public safety and natural resources. If any provision of this Executive Order, or its application to any person or circumstance, is held invalid, the remaining provisions and applications shall not be affected.
6. This Executive Order is effective immediately and remains in effect for the duration of the disaster emergency declared by Executive Order 26-21, including any renewal or extension of that disaster emergency.
7. This Executive Order does not affect additional permits or approvals that may be required by other federal, state, or local agencies.



IN TESTIMONY WHEREOF,

I, Mike Braun, have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 17th day of August, 2026.

Mike Braun

Mike Braun
Governor of Indiana

DIEGO MORALES

ATTEST: Diego Morales
Secretary of State