
35% DESIGN AND DESIGN MATURITY: WHY SPONSORS ARE ASKING HARD QUESTIONS

Action Needed

NWC encourages Congress to examine how the U.S. Army Corps of Engineers' (Corps) 35% design expectation is being applied in practice and whether additional direction is needed in WRDA 2026, through implementation guidance, or through Congressional oversight. Based on concerns raised by NWC members, Congress may wish to consider:

- **Clarifying that design maturity expectations should be scalable and risk-based**, not applied uniformly across all projects regardless of size, complexity, funding certainty, or delivery pathway.
- **Directing the Corps to better align design expectations with realistic funding pathways** so more design up front does not simply create rework and unnecessary early expenditures.
- **Providing clearer direction on how 35% design fits into the broader feasibility study and delivery process**, including 3x3x3, the WRDA 2024 revisions to the Corps' acceleration of studies authority, and the February 23, 2026 Telle memo on Propelling Project Delivery stating that design maturity alone should not justify more time or funding.
- **Requiring clearer and more consistent guidance across districts** so sponsors understand what is required, when it is required, and what flexibilities exist.
- **Considering whether a tiered design-maturity framework makes more sense for small, moderate, and large or phased projects** rather than treating all projects the same.
- **Examining what this requirement is doing to the Chief's Report pipeline** and what that may mean for future WRDA cycles.

Why 35% Design Matters to Sponsors

The Corps has adopted a 35 percent design minimum during the feasibility study process before a project can receive a Chief's Report, which is typically needed for the project to be considered for authorization in WRDA. The intent is to improve cost certainty earlier in the process.

But because Corps projects are often funded over multiple appropriations cycles, delays can drive up costs and undercut the value of those earlier estimates. NWC members are therefore asking whether this requirement will improve delivery or instead make it harder for projects to advance through feasibility and into WRDA.

Why the Corps is Moving in This Direction

The Corps is moving toward 35% design because it is trying to respond to real project delivery problems, including cost overruns, schedule delays, and projects that can look one way during feasibility and very different by the time construction funding finally arrives. The theory is straightforward: if a project is designed in greater detail earlier, the Corps and Congress should have a better sense of project scope, cost, and risk before the project reaches a Chief's Report.

What Sponsors Are Concerned About

For non-Federal sponsors, the concern over a 35% design requirement for studies is practical. Reaching 35% design can mean spending more sponsor dollars earlier in feasibility, before there is any assurance a project will move forward or that construction funding will follow on a useful timeline. That concern is compounded by the reality that many projects are funded incrementally over multiple fiscal years, which can drive up costs and erode the value of earlier estimates before construction begins.

The Current Uncertainty

This issue is not just about a design threshold. It is also about whether current Corps direction fits together clearly in practice. The Corps is requiring 35% design before a feasibility study can receive a Chief's Report. At the same time, the February 23, 2026 memorandum from Assistant Secretary of the Army (Civil Works) Adam Telle, "Propelling Project Delivery through Early Actionable Increments for complex water resources problems," points back to the 3-year, \$3 million structure unless Congress provides otherwise and states that design maturity alone should not be a reason to seek additional time or funding. Sponsors are therefore being asked to push further into design earlier while also being told that design maturity alone should not justify more time or more money.

How to Frame the Issue on Capitol Hill

This issue is not hard to explain. The question is not whether better design is beneficial. The question is whether requiring more design earlier actually improves project delivery or instead shifts more cost and risk onto non-Federal sponsors before there is any assurance construction funding will follow. It also affects whether projects can reach a Chief's Report and move into WRDA, which is why both authorizers and appropriators should be made aware of its practical effects.

Key Talking Points for Congressional Engagement

- The Corps now requires 35% design before a feasibility study can receive a Chief's Report, and without a Chief's Report a project does not move into WRDA.
- The issue is not whether better design is good. The issue is whether requiring more design earlier actually improves delivery, or simply shifts more cost and risk onto non-Federal sponsors before there is any assurance construction funding will follow.

- More design up front does not automatically solve the real drivers of delay, including long study timelines, gaps between authorization and appropriation, and incremental funding over multiple years.
- A one-size-fits-all requirement may not work for larger, more complex, or phased projects, and it may be especially hard on smaller sponsors with limited resources.
- Congress should examine whether this requirement is narrowing the Chief's Report pipeline and making it harder for viable projects to reach WRDA.
- Congress should also ask how the Corps expects sponsors to reconcile 35% design with continued references to 3x3x3 and the Telle Propelling Project Delivery memo's statement that design maturity alone should not justify more time or funding.

Who To Talk To

- Your U.S. House of Representatives member and U.S. Senators.
- House Committee on Transportation and Infrastructure, Subcommittee on Water Resources and Environment.
- Senate Committee on Environment and Public Works.
- House and Senate Energy and Water Appropriations Subcommittees

The bottom line is, the Corps is trying to respond to real project delivery problems. Congress should examine whether requiring 35% design during feasibility will actually improve project delivery, or instead make it harder for viable studies to advance while shifting more cost and risk earlier in the process.

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