



May 19, 2011

Ms. Donna Downing
Office of Water (4502-T)
Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

Mr. David Olson
Regulatory Community of Practice (CECW-CO-R)
U.S. Army Corps of Engineers
441 G Street, N.W.
Washington, D.C. 20314

Attn: Docket ID No. EPA-HQ-OW-2011-0409

Re: Request for Extension of Comment Period on EPA and Army Corps of Engineers Guidance Regarding Identification of Waters Protected by the Clean Water Act

Dear Ms. Downing and Mr. Olson:

NAIOP, the Commercial Real Estate Development Association, requests an extension of the public comment period, for an additional 90 days, on the Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers' (Corps) Proposed Guidance Regarding Identification of Waters Protected by the Clean Water Act. 76 Fed. Reg. 24479.

NAIOP is the leading organization for developers, owners and related professionals in office, industrial, retail and mixed-use real estate. NAIOP advances responsible, sustainable development that creates jobs and benefits the communities in which our members work and live.

The proposed guidance will be used by the EPA and the Corps to interpret the term "waters of the United States" in the context of all programs authorized under the Clean Water Act (CWA), including Section 404 discharges of dredged or fill material, the Section 402 National Pollutant Discharge Elimination System (NPDES) permit program, the Section 401 state water quality certification process, and Section 303 water quality standards and total maximum daily load programs.

Given the importance of the proposal, the public should be permitted the opportunity to thoroughly review and comment upon EPA's supporting documentation, including its lengthy economic analysis of the draft

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guidance. The proposed guidance will have a material impact on CWA permitting and enforcement, and multiple industries and stakeholders will be subject to the new criteria set forth by the agencies. In light of the many issues addressed by the proposal and the economic interests at stake, it is imperative that EPA and the Corps allow all interested parties to have sufficient time to provide meaningful and fully developed comments. NAIOP therefore respectfully requests that the comment period be extended by 90 days until Sept. 30, 2011.

Sincerely,

A handwritten signature in black ink, appearing to read 'John Bryant', written in a cursive style.

John Bryant
Senior Director of Federal Affairs