Text as published on gao.gov, https://www.gao.gov/products/b-153911, archived 2026-07-10. GAO published no original file for this decision. Rendered by Comptroller Desk.

B-153911 December 6, 1968

Number: B-153911

Date: 1968-12-06

B-153911 December 6, 1968

The Honorable James C. Cleveland House of Representatives

Dear Mr. Cleveland:

Reference is made to your letter of November 18, 1968, and enclosures, presenting on behalf of the town of Weare, New Hampshire, a claim for $749.72, as reimbursement for expenditures made by the town in combating a forest fire on federally owned land under the jurisdiction of the United States Army Corps of Engineers.

The fire in question broke out on July 25, 1963, at the Hopkinton-Everett Floor Control Reservoir and presumably was started by lightning. While the Reservoir land is owned by the Federal Government it is our understanding that the land lies entirely within the boundary of the town of Weare.

In cases involving fires on Federal property located within the limits of a city we consistently have held that a charge against appropriated funds for fire-fighting services rendered by a municipality is precluded where there is no legal obligation upon the United States to pay for such services. This is based upon the premise that a municipality is required by law to render fire protection or fire-fighting services to property within its limits, without cost to the property owners. We believe that such duty extends to protecting the property of the United States located within such limits and, consequently, since the Government thus is legally entitled to fire protection or fire-fighting service there is no authority to charge appropriated funds with the cost thereof. See our decisions of February 7, 1945, B-47142, 24 Comp. Gen. 599, and of December 2, 1946, B- 56655, 26 Comp. Gen. 382.

The principles of the decisions cited above and others are summarized in our decision of July 2, 1965, B-125617, 45 Comp. Gen. 1. While we recognized in this letter decision that there is some doubt that local fire departments have an obligation to furnish fire protection services to what are described therein as Federal enclaves" there is nothing of record here to indicate that the land here in question was such a Federal enclave.

Accordingly, for the reasons stated in the decisions referred to above, copies of which are enclosed, the claim of the town of Weare must be denied.

Pursuant to your request the enclosures forwarded with your letter are returned.

Sincerely yours,

Frank H. Weitzel Assistant Comptroller General of the United States

Enclosures