

Argued and submitted March 8, 2012, at the University of Oregon College of Law; resubmitted January 7, 2013, decision of Court of Appeals and judgment of circuit court affirmed by an equally divided court April 17, 2014

KARUK TRIBE OF CALIFORNIA,
a federally recognized organization;
and Friends of the River Foundation,
a California nonprofit organization,
Respondents on Review,

v.

TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON,
Petitioner on Review.

(CC 080202663; CA A139375; SC S059484)

323 P3d 947

On review from the Court of Appeals.*

Keith M. Garza, Oak Grove, argued the cause and filed the brief for petitioner on review.

Thomas M. Christ, Cosgrave, Vergeer Kester LLP, Portland, argued the cause and filed the brief for respondents on review.

Erin C. Lagesen, Assistant Attorney General, Salem, filed a brief for *amicus curiae* State of Oregon. With her on the brief were John R. Kroger, Attorney General, and Anna M. Joyce, Solicitor General.

Tracy Pool Reeve, Senior Deputy City Attorney, Portland City Attorney's Office, filed a brief for *amicus curiae* League of Oregon Cities.

* Appeal from Multnomah County Circuit Court, Henry Breithaupt, Judge. 241 Or App 537, 251 P3d 773 (2011).

Before Balmer, Chief Justice, and Kistler, Walters, Linder, Landau, and Baldwin, Justices.**

PER CURIAM

The decision of the Court of Appeals and the judgment of the circuit court are affirmed by an equally divided court.

** Brewer, J., did not participate in the consideration or decision of this case.