

IN THE SUPREME COURT OF THE  
STATE OF OREGON

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)

On review from the Court of Appeals.\*

Argued and submitted March 8, 2012, at the University of Oregon College of Law; resubmitted January 7, 2013.

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.

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\* 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.

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