

USATXS-Public Affairs Atty

Subject: USAO News Release: SEASIDE AQUACULTURE AND OWNER CONVICTED FOR KILLING PROTECTED SPECIES



Department of Justice

**U.S. Attorney's Office
Southern District of Texas**

José Angel Moreno • United States Attorney

FOR IMMEDIATE RELEASE	ANGELA DODGE
FRIDAY, AUG. 12, 2011	PUBLIC AFFAIRS OFFICER
http://www.justice.gov/usao/txs/	(713) 567-9388

Seaside Aquaculture and Owner Convicted For Killing Protected Species

VICTORIA, Texas – Following one and one-half days of trial testimony and approximately three and one-half hours of deliberation, a federal jury has returned its verdict finding Seaside Aquaculture Inc., a fish farm located in Palacios, Texas, and its owner, Khanh Vu, guilty of illegally killing approximately 90 brown pelicans, which are protected under federal law, United States Attorney José Angel Moreno announced today. The verdict, returned late Wednesday evening, was accepted by presiding U.S. District Judge John D. Rainey.

Vu and Seaside Aquaculture Inc. were indicted in April 2011 charged with one count of killing migratory non-game birds, that is, approximately 90 Brown Pelicans (*Pelecanus occidentalis*) in violation of The Migratory Bird Treaty Act (MBTA).

The MBTA provides protection for Migratory Birds and unless permitted by regulations, prohibits the killing, at any time or in any manner, any migratory bird or any part, nest or egg of any such bird. The brown pelican is a non-game migratory bird protected by the MBTA. These rules attempt to maintain an equitable balance between protection and preservation of migratory birds and recreational opportunities afforded through sport hunting.

During trial, the United States presented testimony through which the jury learned that in October 2010 the U.S. Fish and Wildlife (FWS) received a letter from a former contract worker of Seaside Aquaculture Inc. alleging that while employed at the fish farm he witnessed several employees, including Vu, illegally killing many species of birds. On Dec. 14, 2010, an FWS agent inspected the area around the fish farm and found and photographed several empty shot gun hulls and bird carcasses. Investigating agents secured a warrant to search the fish farm which was executed on Feb. 2, 2011, with the assistance of Texas Department of Wildlife Services game wardens. The agents found the carcasses of approximately 90 brown pelicans, 17 great blue herons, five great egrets, four black-crowned night herons, four turkey vultures, two osprey, two gulls and one

scaup. Seaside's employees denied shooting any birds; however, owner Vu admitted to shooting six pelicans to prevent them from eating his fish. At trial, the defense unsuccessfully attempted to convince the jury that the birds had died as a result of running into power lines.

Vu faces a fine of not more than \$15,000 or a maximum six-month prison term or both. His company, Seaside Aquaculture Inc. faces a similar fine. Judge Rainey has set sentencing for Vu and his company for Nov. 7, 2011. Vu has been permitted to remain on bond pending the sentencing hearing.

The case was investigated by agents from the U.S. Fish and Wildlife Service and Texas Parks and Wildlife Department. The case is being prosecuted by Assistant United States Attorney Hugo R. Martinez.

###