



Ottawa, Canada K1A 0E6

Mr. Charles Robert  
Clerk of House of Commons  
Office of the Clerk  
Ottawa, Ontario  
K1A 0A6

Dear Mr. Robert:

Pursuant to Standing Order 109 of the House of Commons, on behalf of the Government of Canada, I have the honour to table in both official languages, copies of the Government Response to the Report of the Standing Committee on Fisheries and Oceans entitled *Protection and Recovery of Endangered Whales: The Way Forward*.

Yours sincerely,

A handwritten signature in blue ink that reads "Jonathan Wilkinson".

Jonathan Wilkinson, P.C., M.P.  
Minister of Fisheries, Oceans and the Canadian Coast Guard

Attachment



Ottawa, Canada K1A 0E6

Mr. Ken McDonald  
Chair  
Standing Committee on Fisheries and Oceans  
House of Commons  
Ottawa, Ontario K1A 0A6

Dear Mr. McDonald,

On behalf of the Government of Canada, I would like to thank the House of Commons Standing Committee on Fisheries and Oceans for its report, *Protection and Recovery of Endangered Whales: The Way Forward*, tabled in the House on December 10, 2018.

I welcome the Committee's report and am pleased the recommendations are well aligned with the objectives and priorities of our Government in protecting endangered whales. I share the Committee's emphasis on balancing further action to protect and recover endangered whales with the need to mitigate socio-economic impacts on communities. The resulting recommendations broadly support the Government's current efforts to protect and recover endangered whales, including the iconic and culturally significant Southern Resident Killer Whale, North Atlantic Right Whale and St. Lawrence Estuary Beluga. These whales hold a special significance to Canadians, including Indigenous Peoples, and are critical to maintaining biodiversity in our marine ecosystems.

As you know, the Government is taking immediate and significant actions to address the primary threats to these three whale species. These threats are complex and interconnected, and the actions taken by the Government must be comprehensive and have a lasting effect. The findings of the Committee have been important considerations as we continue our efforts to protect endangered whales. For instance, since the Committee's Report has been released, the Government has committed to take substantial action to increase efforts to rebuild Chinook salmon stocks, using all available options (recommendation 14) for Southern Resident Killer Whale. The Government's actions have included salmon fishery area-based closures and harvest reductions to improve prey availability and accessibility. As well, the Government is committed to supporting stock enhancement through the Salmonid Enhancement Program as well as investing in habitat restoration and science to better understand Southern Resident Killer Whale foraging success and Chinook availability. The Government will continue to consider options to build on these efforts going forward, as recommended by the Committee.

As another example (recommendation 10), the Government introduced new North Atlantic Right Whale fisheries management measures for 2019. These measures build on the 2018 regime and include an adjustment to the size and shape of the static zone closure to non-tended fixed gear

fisheries in the Gulf of St. Lawrence, which encompasses the area where 90% of North Atlantic Right Whale were sighted in 2018 during the prime fishing season. Additionally, the dynamic, temporary closure protocol now includes a targeted provision for sightings in shallow waters less than 20 fathoms that trigger a 15 day closure only when a North Atlantic Right Whale is sighted in shallow waters within the designated dynamic zones. The outer boundaries of the dynamic zone management areas remain the same as 2018. The area in the Gulf of St. Lawrence no longer captured by the static zone due to changes for 2019 will be captured by the dynamic zone. The change in the size and location the static zone closure will result in an increase in the area open to fisheries as long as North Atlantic Right Whale are not sighted within these areas. These measures aim to protect North Atlantic Right Whale from further harm by reducing and preventing fishing gear entanglements, while minimizing possible economic losses for industry and coastal communities. The measures take into account the best available science and input from stakeholders, partners, experts and Indigenous peoples that was shared during consultation meetings and round table discussions.

In support of these efforts, our Government is making substantial investments that will help contribute to protection and recovery of the Southern Resident Killer Whale, North Atlantic Right Whale and St. Lawrence Estuary Beluga. These investments include:

- November 2016: Key elements of the \$1.5 billion Ocean Protection Plan (OPP), most notably the \$338 million allocated for stronger ecosystem conservation. A specific example of how the OPP benefits endangered whales is the Marine Environmental Quality initiative (\$26.6M/5 years), which is focused on understanding the impacts of underwater noise on the Southern Resident Killer Whale, North Atlantic Right Whale and St. Lawrence Estuary Beluga.
- June 2018: \$167.4 million over 5 years for the Whales Initiative, which is working to protect and recover whales, with an emphasis on Southern Resident Killer Whale, the North Atlantic Right Whale and St. Lawrence Estuary Beluga. A key focus of the Whales Initiative is providing additional resources and capacity for the Government to engage in science to better understand and address threats to these three whale species.
- October 2018: \$61.5 million over 5 years to further support the protection and recovery of the Southern Resident Killer Whale.
- February 2019: \$55 million over five years committed for protecting aquatic species under the Canada Nature Fund for Aquatic Species at Risk.

The Government of Canada supports the intent of the Report, and its recommendations are well aligned with initiatives currently being advanced or under consideration. Our Government's priority is to take bold action to protect and recover endangered whales, in a manner consistent with our international legal obligations, to enable future generations to have the opportunity to enjoy the rich biodiversity that we have today. Our Government is also committed to continue working collaboratively, on behalf of Canadians, to act on our shared priority to protect and recover endangered whales by building on the significant action that is already underway.

I note that the Committee's recommendations relate generally to three main themes:

a) consultation and collaboration (recommendations 1, 5, 6, 10 and 11); b) research and data (recommendations 2-4, 8 and 12); and c) management measures to protect and recover

endangered whales (recommendations 7, 9 and 13-20). I have therefore responded to each set of recommendations thematically.

### Consultation and Collaboration

(Recommendations 1, 5, 6, 10 and 11)

The Government recognizes the importance of robust and timely consultation in the development and implementation of measures to protect endangered whales with key partners, including Indigenous Peoples, industry, academia, environmental non-governmental organizations and coastal communities. The Government engages in close consultation on development and implementation of new measures, including recent amendments to the *Marine Mammal Regulations* and the *Canada Shipping Act, 2001*.

The Committee's recommendations are well aligned with the overall recovery goals and existing approaches utilized by the Government in developing and implementing measures to protect and recover endangered whales. This includes meaningful engagement to understand and seek to mitigate potential impacts on Indigenous Rights and culture, as well as socio-economic impacts on key partners, many of whom have relied on the marine environment for generations. It also requires a reliance on the expertise of both internal and external technical experts with knowledge relating to the protection and recovery of endangered whales, fishing, and marine shipping and navigation in order to ensure that measures are evidence-based.

The Government consults on a broad range of measures that relate to the protection and recovery of endangered whales. In doing so, the aim is to begin consultation as early as possible and consider a range of factors, including the scientific evidence and potential approaches to seek socio-economic impacts. Consultation processes include:

- **Planning and implementation of Integrated Fisheries Management Plans and Conservation Harvesting Plans:** These annual plans set the rules for harvesting levels, timing and locations of fishing with considerations for conservation (sustainability of fish stocks) as well as allocations for Indigenous Peoples and commercial and recreational fishers. In establishing harvest rules, the plans include consideration of impacts on whales, where appropriate, such as prey availability of Chinook salmon for Southern Resident Killer Whales. In developing these plans, the Government consults with key partners, such as Indigenous Peoples and industry through regular meetings. In consulting, the Government reviews the best available science and proposed management approach, including how locations and timing of measures are determined. This engagement seeks to ensure that proposed measures are understood and that our partners have the opportunity to provide input, including how socio-economic impacts can be minimized. In addition to regular advisory committee meetings, regional officials conduct additional engagement with implicated Indigenous Peoples and key industry groups.
- **Species at Risk Recovery Strategies and Action Plans also include significant consultation and collaboration:** Recovery Strategies set goals and objectives to arrest or reverse the decline of a species. Action Plans outline the projects or activities required

to meet the goals and objectives outlined in the Recovery Strategy, including information on the species habitat, protection measures, and an evaluation of the socio-economic costs and benefits. Both Recovery Strategies and Action Plans are developed in collaboration with partners, often through the establishment of species-specific recovery teams, which include representatives from Indigenous groups, provinces, industry, academia and environmental groups.

Specific to the Southern Resident Killer Whale, the Government engages with partners through the Indigenous and Multi-Stakeholder Advisory Group, which was established to inform recovery measures for the Southern Resident Killer Whale, and five Technical Working Groups to inform development of management measures for 2019 and beyond. The Technical Working Groups are focused on prey availability and accessibility; identification/development of proposed Southern Resident Killer Whale sanctuaries; vessel noise measures related to Large Commercial Vessels; additional vessel noise measures for smaller vessels; and environmental contaminants. In October 2017, the Government also hosted the Southern Resident Killer Whale Symposium to review, based on the best available information, the key challenges and potential solutions to address threats to the Southern Resident Killer Whale and identify the key partnerships needed to protect and recover the population.

For the North Atlantic Right Whale, the Government engages key partners through a variety of fora. In doing so, engagement with industry groups seeks to ensure potential that economic impacts on industry are mitigated and that proposed measures are fully understood. To achieve this, consultation occurs through platforms including: the Southern Gulf of St. Lawrence Snow Crab Advisory Committee, the Southern Gulf Lobster Advisory Committee, The North Atlantic Right Whale-vessel interactions Advisory Group and its technical subcommittee and the pan-Atlantic roundtable with Indigenous groups, fishing industry and other various stakeholders that I held in October 2018. Consultation also occurs through:

- the Atlantic Large Whale Take Reduction Team (USA);
- the North Atlantic Right Whale Consortium;
- the Ropeless Gear Consortium;
- the National Oceanic and Atmospheric Administration Northeast Implementation Team for North Atlantic Right Whale; and,
- the United States and Canada Bilateral Working Group on Cetaceans;

For the St. Lawrence Estuary Beluga, the Government works closely with key partners to develop awareness campaigns and communication tools to promote best practices for navigation around Beluga Whales and other marine mammals at risk; and, to develop and implement an Action Plan to reduce the impact of noise on the beluga whale and other marine mammals at risk in the St. Lawrence Estuary. The Action Plan was prepared with the close collaboration of Fisheries and Oceans Canada, Parks Canada Agency and Transport Canada, along with key stakeholders including the shipping industry, ferries and tour companies, First Nations, and NGOs.

## Research and Data

(Recommendations 2-4, 8 and 12)

Endangered whales face a broad range of threats that are complex and inter-related, meaning that a strong scientific basis is fundamental to informing our approach to protect and recover them. Management measures need to be evidence-based in order to effectively contribute to achieving the recovery objectives for these species. This is only possible by making the investments necessary to understand and develop measures to help mitigate the full range of threats they face.

The Government of Canada has made significant investments to build our science capacity, including through the Oceans Protection Plan and the Whales Initiative. In fact, through Budget 2016, human resources for marine mammal science have increased by 40 per cent and financial resources by 300 per cent. Most recently, I was proud to announce this March that the University of British Columbia, Dalhousie University and the Université du Québec à Montréal will receive a total of \$2.9 million, under the Whale Science for Tomorrow initiative, for scientific research on the Southern Resident Killer Whale, North Atlantic Right Whale and St. Lawrence Estuary Beluga.

The Government's approach to science for marine mammals at-risk includes identifying the key human-induced threats to the species and their critical habitats, studying how these threats are impacting the species, and considering whether they affect other components of the broader marine ecosystem. Science for marine mammals also includes survey and population assessment work to help determine population abundance, distribution, and trends over time. This work can help inform management measures aimed at conservation, and in the case of harvested marine mammal species, identify sustainable harvest levels.

Whales and their prey may face threats from contaminants that originate from contaminated sites. The Government of Canada is completing an inventory of contaminated sites using existing data. The Government of Canada will provide information for each site, where it is available, on the contaminant type; the likelihood of contamination of the surface water and the magnitude of concentration (e.g. volume).

With respect to recommendations relating to establishing population targets for endangered whales as well as prey or competitor predator species, the Government supports the intent of the recommendation, which is to help identify sustainable population levels. However, for many whale species, the immediate focus is on addressing the key identified threats to the endangered whale populations with the aim of increasing (or maintaining) the populations over time rather than setting population targets for other non-listed species that may interact with the whales to varying degrees.

Species at Risk recovery planning relies on the best available science to understand and address threats to the recovery of a species and for setting population and distribution objectives. In some cases, it may be determined that population targets are the most appropriate strategy to defining recovery. However, recovery planners may instead conclude, based on the science, that another approach would be more effective. For example, maintaining biological diversity or reproductive potential could be deemed to be more important to a population's long-term sustainability than

numbers alone. Recovery objectives are considered in light of ongoing research and may be adapted over time. This could include the establishment of population targets if deemed the most effective approach at a later date.

For the Southern Resident Killer Whale, the population and distribution objective defined in their Recovery Strategy is to “ensure the long-term viability of Resident Killer Whale populations by achieving and maintaining demographic conditions that preserve their reproductive potential, genetic variation, and cultural continuity”. For the North Atlantic Right Whale, the Recovery Strategy population and distribution objective is to “to achieve an increasing trend in population abundance over three generations”. In the case of the North Atlantic Right Whale and Southern Resident Killer Whale, achieving sustained growth of viable populations was determined to be best objective at the current time. In the case of the St. Lawrence Estuary Beluga, a population target was established based on the information available. Information considered when establishing population and distribution objectives may include historical population and distribution data, current population dynamics, and how threat mitigation or prevention might affect population growth rates, according to data availability and uncertainty.

One of the biggest threats to our oceans and marine mammals is marine litter and in particular, ghost fishing gear. Ghost Gear refers to any fishing equipment or fishing-related litter that has been abandoned, lost or otherwise discarded and is some of the most harmful and deadly debris found in oceans. Our Government has shown global leadership on the issue of Ghost Gear, including making this a priority at the G7 and becoming a signatory to the Global Ghost Gear Initiative. The Government recognizes the importance of accurate data to ensure effective measures to track lost gear, which have the potential to become ghost gear. That is why we have expanded mandatory lost gear reporting requirements for commercial fisheries in 2019. Working with key partners, we are introducing new requirements for commercial fisheries to report any of their gear that was previously reported as lost to improve reporting accuracy.

Management Measures to Protect and Recover Endangered Whales  
(Recommendations 7, 9 and 13-20)

Our Government has taken significant and bold steps to protect and recover the Southern Resident Killer Whale, North Atlantic Right Whale and St. Lawrence Estuary Beluga. These measures represent the urgent action taken by our Government, which is supported by significant investments made, including under the historic Ocean Protection Plan and the Whales Initiative.

The Committee’s recommendations relating to specific management measures reflect the broad range of threats identified by the Government for each species. As acknowledged in the Committee’s Report, any new measures introduced by the Government must be informed by the best available science and be developed in close collaboration with key partners, including provinces/territories, Indigenous Peoples, industry, academia and Environmental Non-Governmental Organizations. It will be critical to maintain this approach in order to ensure that measures are, and continue to be, effective and reflective of evolving circumstances under which decisions are made while aiming to mitigate the socio-economic impacts on communities. This would include new information or scientific evidence that could influence management measures. Many of the specific measures, or the intent of the recommendations, are already implemented or under consideration by the Government.

Measures introduced to support the protection and recovery of these whale species need to be flexible and responsive to emerging information and changing environments. The Government is committed to a collaborative approach with partners and will continue to emphasize the importance of scientific advice from technical experts in considering new measures to ensure their effectiveness, while recognizing the concerns and opportunities for collaboration with key partners. The Government will continue to embrace these two principles in considering the implementation of new measures. In addition, due consideration will be given to ensure that any measures taken by the Government are consistent with our international legal obligations.

The Government has distinct approaches for the protection and recovery of the Southern Resident Killer Whale, the North Atlantic Right Whale and the St. Lawrence Estuary Beluga, based on the threats and recovery objectives of each species. I have therefore provided a snapshot of the Government's approach for each species below.

*The Southern Resident Killer Whale:*

Building on actions taken through the Oceans Protection Plan and the Whales Initiative, the Government introduced additional comprehensive actions in 2018 to address the main threats that the Southern Resident Killer Whale is facing, including: prey availability (Chinook salmon), physical and acoustic disturbances, and environmental contaminants. These actions include:

- continuing to identify and protect new areas of habitat necessary for survival or recovery of the Southern Resident Killer Whale population;
- introducing important measures aimed at protecting and recovering Chinook salmon stocks that are significant for the Southern Resident Killer Whale;
- expanding the vessel slowdowns to further reduce underwater noise;
- developing agreements with ferry operators and other marine industry partners to formalize current voluntary measures to reduce noise;
- expanding vessel monitoring systems and funding real time ability to detect and notify mariners of whale presence;
- launching consultation with marine industry on development and implementation of Noise Management Plans;
- advancing feasibility work on one or more South Resident Killer Whale sanctuaries within sub-areas of critical habitat the whales use for foraging; and
- enhancing regulatory control of persistent organic pollutants impacting these whales.

Following Canada's determination that the Southern Resident Killer Whale faces imminent threats to both survival and recovery, the Government expedited its efforts to identify and protect additional critical habitat for Resident Killer Whales. On December 5, 2018, the final amended *Recovery Strategy for the Northern and Southern Resident Killer Whales (Orcinus orca)* in Canada, which identified new areas of critical habitat for these populations, was published on the [Species at Risk Public Registry](#). The newly identified critical habitat was protected from destruction by a Critical Habitat Order that came into force on December 13, 2018. Within these areas of critical habitat, the Government is exploring the feasibility of establishing one or more Southern Resident Killer Whale sanctuaries, with further restrictions on activities that can disrupt foraging and communication. As well, research will continue in an effort to identify any



additional areas of critical habitat that might be necessary to support Southern Resident Killer Whale survival and recovery.

The Government is also working to support Southern Resident Killer Whale recovery through measures that aim to increase Chinook salmon availability for the whales. In 2018, the Minister of Fisheries, Oceans and the Canadian Coast Guard introduced new salmon fishery area-based closures and harvest reductions (25-35%) for the 2018 fishing season aimed at increasing prey availability and accessibility in key Southern Resident Killer Whale foraging areas. The Salmonid Enhancement Program delivers a comprehensive, coast-wide Chinook production program. Current hatchery production aims at directly benefiting fisheries and provides key assessment information used to manage Chinook stocks. As well, it increases abundance of Chinook in many marine areas, including those areas where Southern Resident Killer Whales forage and, as such, may be beneficial to the species. In addition, investments in Chinook rebuilding through habitat restoration are being made and proposed through other initiatives including the Coastal Restoration Fund and the Habitat Stewardship Program. Of particular note, the 2018 Fall Economic Statement announced a \$105 million British Columbia Salmon Restoration and Innovation Fund, as well as \$107.4 million in additional funding for stock assessment and rebuilding, including for wild Pacific salmon stock. The Government continues to rely on the best available scientific evidence and close engagement with our key partners in the development and delivery of these measures.

In addition, Canada recently approved amendments to the *Marine Mammal Regulations* to reduce disturbance to marine mammals, including establishing a minimum approach distance for vessels of 200 metres for all killer whales in Pacific waters (except vessels in transit). Initiatives are also underway with the marine transportation industry to make inroads on acoustic and physical disturbance. Details on Canada's programs and regulations to protect Killer Whales are available on the Department's [Protecting Canada's Endangered Whales](#) website.

The Government has worked with shipping industry stakeholders, U.S. counterparts, and a variety of other stakeholders through the Vancouver Fraser Port Authority's *Enhancing Cetacean Habitat and Observation* program (ECHO) in developing and implementing the ECHO-led voluntary seasonal slowdown in Haro Strait, reducing the underwater noise generated by vessel traffic in that area. As announced on October 31, 2018, the Government is looking to expand the voluntary speed reduction zone in the Salish Sea to further reduce underwater noise as well as to pursue development and implementation of other measures such as lateral displacement of traffic away from key Southern Resident Killer Whale foraging grounds in the Strait of Juan de Fuca as tested in the summer of 2018.

The Government is also completing initial consultations on the concept of fleet-based underwater noise management plans with a goal of working with fleet owners and operators on noise mitigation measures that best suit their individual business and operational realities. The Government is looking to further formalize and entrench many of these voluntary measures through agreements or memoranda of understanding with stakeholder groups, such as the one recently signed between Transport Canada and the Canadian Ferry Association. With respect to quiet vessel design, Canada is taking a leadership role internationally in working with member states of the International Maritime Organization. In order to gather and share recent research

conclusions and assess current and future quiet ship designs, Canada hosted an international workshop (30 January to 1 February 2019). This forum provided an opportunity for international collaboration and will allow participants to share the newest research and technical solutions for more quiet ship design and retrofits.

I wanted to also take this opportunity to provide an update on the proposed Trans Mountain Expansion (TMX) Project. On February 22, 2019, the National Energy Board released its reconsideration report. The report acknowledges that project-related marine shipping is likely to cause significant adverse environmental effects on the Southern resident killer whale and on Indigenous cultural use associated with them. The Government is carefully reviewing the reconsideration report, including its conditions and its recommendations. Some conditions and recommendations aim at mitigating the cumulative effects on Southern Resident Killer Whales. The Board's report and the consultations with Indigenous groups will inform the Governor in Council's decision on the Project.

#### *The North Atlantic Right Whale:*

As noted earlier, the Government has introduced a suite of measures to address the primary threats to the North Atlantic Right Whale's protection and recovery: collisions with vessels and entanglement in fishing gear.

In February, static and dynamic speed restriction zones were announced for 2019 to help reduce collisions with vessels, in addition to a combination of static fishery closures and temporary dynamic closures that would be triggered by the confirmed presence of a North Atlantic Right Whale. Additionally, measures to minimize the impact of gear, such as requiring less rope in the water, improved tracking of rope and buoys and mandatory reporting of lost gear have been established. These measures build on those previously implemented in 2017 and 2018.

There were no North Atlantic Right Whale deaths detected in Canadian fisheries waters in 2018, and there have been seven confirmed North Atlantic Right Whale calves born this year. However, this does not mean efforts to protect this species should stop – birth rate remains well below the recent average and there were still three confirmed North Atlantic Right Whale entanglements in Canadian fisheries waters in 2018. Unprecedented science survey efforts took place in 2018 and will be repeated in 2019 to better understand the distribution of right whale in Atlantic waters and to sample their main prey species. This will refine our understanding of the key habitats used by the species in Canadian fisheries waters. The Government will continue to ensure measures are effective while maintaining efforts to mitigate impacts on stakeholders.

A Species at Risk Action Plan for North Atlantic Right Whale addressing all threats to the population in Canadian fisheries waters is being developed and is anticipated to be published in the near future.

Finally, the Government offers support for organizations that are involved in whale protection through various federal funding opportunities, for which applications are available online or through local DFO offices. Individual applications are assessed on a case-by-case basis according to specific funding criteria to ensure funded activities are contributing to the

Government's conservation objectives.

*The St. Lawrence Estuary Beluga:*

The Government has taken a broad range of measures to address the primary threats to the St. Lawrence Estuary Beluga, including contaminants, prey availability and anthropogenic disturbances, such as noise from marine shipping.

Efforts to monitor and study the effects of contaminants on St. Lawrence Estuary Beluga and key prey species are underway as well as a commitment to develop new regulations to control the discharge of toxic pollutants into the environment and clean up contaminated sites in the Great Lakes-St. Lawrence Basin. In addition, to reduce disturbances, the *Marine Mammal Regulations* have been amended to establish a 400 metre minimum approach distance for vessels for threatened or endanger cetaceans in the St. Lawrence Estuary and Saguenay River (except vessels in transit). To provide refuge in an area frequented by St. Lawrence Estuary Beluga females and their young, Parks Canada has announced an area closure (no-boating zone) at Sainte-Marguerite Bay of the Saguenay Fjord, in addition to the existing protections offered by the Saguenay – St-Lawrence Marine Park. Finally, in December of 2017 the Minister issued a Critical Habitat Order, strengthening protection to the critical habitat of the St. Lawrence Estuary Beluga. The Government also continues to research the seasonal distribution of belugas in order to identify other important habitats to the species.

A Species at Risk Action Plan for St. Lawrence Estuary Beluga addressing the impacts of noise in the St. Lawrence Estuary is being developed and is anticipated to be published as proposed in the near future.

Once again, on behalf of the Government, I would like to thank the Committee members for their interest in this subject, their comprehensive study, and their diligence in preparing this report. I share the Committee's commitment to advancing efforts to protect endangered whales, including the Southern Resident Killer Whale, the North Atlantic Right Whale and the St. Lawrence Estuary Beluga, for the benefit of all Canadians today and tomorrow. The Government has taken urgent action, supported by significant investments, to address the threats to endangered whales. We are continuing to build on the significant efforts already underway using the best available information, and in consultation with key partners. The Government will continue to consider the important input of the Committee as we look to develop further measures in the future.

Your sincerely,



Jonathan Wilkinson, P.C., M.P.  
Minister of Fisheries, Oceans and the Canadian Coast Guard