

From: "Linda Keene" <LKEENE@osmre.gov>
To: <LEmerson@archcoal.com>
Date: 5/10/04 6:09AM
Subject: Re: FW: Starting date for John Ziegler - Arch Coal, Inc.

Dear Larry,

If you intend to include John A Ziegler on the OFT of Arch Coal Inc. then I do need either a Secretary Certificate or signed corporate minutes to that fact.

Concerning all the discrepancies on Arch Coal Inc.- AVS had exactly the information you mentioned in this email, therefore the information submitted to the State of Utah by Vicky Miller was incorrect. This is why the permits in Utah are held up. Getting back to our conversation we had last week... Your company may want to discuss making you the single point of contact to pass all O/C information directly to me for all of your companies. One last point on this matter- I do not need any additional information submitted to me but you may need to submit correct information to the State of Utah in order to get your permit processed.

I do need all of the certificate of secretary for all new officers of Ark Land. I will go ahead and make those updates and await your information. We do accept and prefer scanned copies of those documents to expedite the entry process.

Arch Western does have unresolved O/C issues. I did a complete review of this company on April 12, 2004. At that time the information in AVS was exactly the same as submitted by Vicky Miller. This most current submittal by Vicky to the State of Utah was different therefore it will hold up the permitting process until resolved.

Thanks for your help in resolving these issues.

Sincerely,

Linda Keene
Program Analyst
OSM AVS
800-643-9748 ext. 472
fax 859-260-8418

>>> "Emerson, Larry" <LEmerson@archcoal.com> 5/7/2004 3:10:07 PM >>>

Linda - I have confirmed the starting date of John Ziegler as Internal Auditor for Arch Coal, Inc., is April 24, 2003. Do you require written/notarized confirmation of that?

Regarding the other documents that you faxed me, the "boxed" dates that you highlighted for officers/directors of Arch Coal, Inc., are not consistent with my records. The correct start dates for the identified officers/directors are as follows;

Frank M. Burke - Director Sept. 7, 2000
Robert G. Potter - Director April 26, 2001

John W. Eaves - Exec. Exec. VP and Chief Operating Officer (COO)
Dec. 11, 2002
John Eaves resigned as VP Sales on Dec. 11, 2002

Bradley M. Allbritten - VP March 1, 2000
Robert G. Jones - VP March 1, 2000
Robert G. Jones - Secretary October 16, 2000
Robert J. Messey - VP Dec. 1, 2000

Do you need further written / notarized confirmation of the above dates? If so, please advise.

I have asked our corporate legal department to provide me a notarized certificate of secretary for all officers of Ark Land and Arch Western Resources, LLC. I shall forward that to you ASAP. In the meantime, if there are any permitting hold-ups as a result of this confirmation process, please let me know.

Thanks.....Larry

> -----Original Message-----

> From: Mermis, Jolene
> Sent: Friday, May 07, 2004 2:40 PM
> To: Emerson, Larry
> Subject: RE: Starting date for John Ziegler

>
> That is correct. . April 24, 2003.

> -----Original Message-----

> From: Emerson, Larry
> Sent: Friday, May 07, 2004 1:30 PM
> To: Mermis, Jolene
> Subject: Starting date for John Ziegler

>
> Jolene - I received a call from OSM regarding some discrepancies in their database and I'd like to check them with you. Could you please check your minutes and see when John Ziegler was elected as Internal Auditor? The records I've seen indicate it was April 24, 2003.

>
> At your convenience, could you verify that date?
Thanks.....Larry

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CC: <JMermis@archcoal.com>, <VMiller@archcoal.com>, <pamgrubaughlittig@utah.gov>